

OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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An article entitled, "Jan 6 protestor Ray Epps reveals he's forced to live in RV hiding after death threats over FBI informant conspiracy: Feds confirm he's NEVER worked for them as he slams right-wing theorists using him as scapegoat," April 24, 2023, Daily Mail, submitted by the Honorable Henry C. "Hank" Johnson, a Member of the Committee on the Judiciary from the State of Georgia, for the record

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An article entitled, "All the Ways Trump, not his foes, sought to 'weaponize' the Government," July 10, 2023, The Washington Post

An article entitled, "A Deeply Ironic Reinforcement of Right-Wing Misinformation," The Washington Post

An article entitled, "Restricting the Government from Speaking to Tech Companies Will Spread Disinformation and Harm Democracy," July 5, 2023, Just Security

A letter to Chair Jason Smith, Chair of the House Committee on Ways and Means, from Abbe David Lowell, Counsel for Robert Hunter Biden, June 30, 2023

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OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION

Wednesday, July 12, 2023

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10:05 a.m., in room 2141, Rayburn House Office Building, Hon. Jim Jordan [Chair of the Committee] presiding.

Members present: Representatives Jordan, Issa, Buck, Gaetz, Johnson of Louisiana, Biggs, McClintock, Tiffany, Massie, Roy, Bishop, Spartz, Fitzgerald, Bentz, Cline, Gooden, Van Drew, Nehls, Moore, Kiley, Hageman, Moran, Lee, Hunt, Fry, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Schiff, Cicilline, Swalwell, Lieu, Jayapal, Scanlon, Neguse, McBath, Dean, Escobar, Ross, Bush, and Ivey.

Chair JORDAN. The Committee will come to order. Without objection, the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on Oversight of the FBI. The Chair now recognizes the gentleman from Texas, Mr. Gooden, to lead us in the Pledge of Allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. The Chair now recognizes himself for an opening statement. Eight days ago, eight days ago on July 4th, in the Western District of Louisiana, the Court found that the Federal government suppressed Americans' First Amendment free speech rights. In his conclusion on page 154, the Court said this, the judge said this:

Plaintiffs are likely to succeed on the merits in establishing that the Government has used its power to silence the opposition: Opposition to COVID-19 vaccines, opposition to COVID-19 mask and lockdowns, opposition to the lab leak theory of COVID-19, opposition to the validity of the 2020 election, opposition to President Biden's policies, statements that the Hunter Biden laptop was true, and opposition to policies of the Government officials in power. All were suppressed.

It is quite telling that each example or category of suppressed speech was conservative in nature. The court further writes, "the U.S. Government seems to have assumed a role similar to an Orwellian Ministry of Truth." Specific to the FBI, the Court said this:

The FBI's failure to alert social media companies that the Biden laptop story was real and not Russian disinformation is particularly troubling.

The FBI had the laptop in their possession since December 2019, and had warned social media companies repeatedly to look out for "hack and dump operation by the Russians prior to the 2020 election."

Even after Facebook, specifically asked whether the laptop story was Russian disinformation, the FBI refused to comment, resulting in social media companies' suppression of the story and as a result, millions, millions of our fellow citizens did not hear the story prior to the November 3, 2020, election. Additionally, the FBI was included in industry meetings, bilateral meetings, received and forwarded alleged misinformation to social media companies, and actually misled companies in regard to the laptop story.

When the Court said the FBI misled, that is a nice way of saying they lied. They lied, and as a result, important information was kept from we, the people, days before the most important election we have, the election of the President of the United States, election of the Commander in Chief.

In a survey last fall, four out of five Americans said they believed there is a two-tiered system of justice in America today. They said that because there is. They said that because of what they have witnessed. Think about what Americans have seen, National School Board Association, left-wing political group writes the White House and asks them to treat parents at school board meetings as terrorists. The Garland Justice Department does just that. They put together a memo, set up a dedicated line of threat communication and a snitch line on parents. As a result, parents get investigated by our FBI, get a threat tag associated with their name, 25 of them. Because whistleblowers came and told us they were investigated by the Federal Bureau of Investigation.

Americans have seen the FBI's Richmond Field Office put together a memorandum saying pro-life Catholics are extremists. They have seen 20 FBI agents, SWAT team members show up at the home of Mark Houck and arrest him in front of his wife and seven children, even though he had indicated he would be happy to turn himself in. What was he arrested for? Him and his 12-year-old son were praying outside an abortion facility. Some guy starts screaming in his son's face and he did what frankly any dad would do, defended his child.

What is interesting is the National School Board Association apologized for the letter, but the Attorney General refuses to rescind his directive. The FBI did rescind, thank goodness, the Richmond Catholic memorandum, but they refuse to tell Congress who wrote it and who approved it. Mr. Houck, when he got his day in court, he was acquitted by a jury of his peers.

Americans' speech is censored, parents are called terrorists, Catholics are called radicals, and I haven't even talked about the spying that took place of a Presidential Campaign or the raiding of a former President's home. Maybe what is more frightening is what happens if you come forward and tell Congress. You are a whistleblower, come tell the legislature, come tell the Congress what is going on, look out. You will be retaliated against. Ask Garrett O'Boyle. He told Congress about these issues. They took his

clearance. They took his pay. They took his kids' clothes. Ask Gary Shapley, a 14-year veteran at the IRS. Handled some of the biggest international tax fraud cases at the agency. He comes forward and the Justice Department kicks him off the case.

Here is what is truly unbelievable, here is what is amazing. With all that history, with all that, the Justice Department, the FBI, want the taxpayers they censored, the parents they labeled, the pro-life Catholics they call radical, they want them to pay for a new FBI headquarters. They want FISA reauthorization of the 702 program in its current form in the Director's opening statement. I mean you can't make this stuff up.

There are 204,000 reasons why Republicans will oppose FISA reauthorization in its current form. Two hundred and four thousand times, the FBI improperly searched the 702 data base. Unlike the FBI censorship, in the Court's opinion, that was focused on conservatives, the FBI's illegal scrutiny wasn't just limited to conservatives. BLM supporters were illegally scrutinized by the FBI as well. I hope our Democrat friends will join us in opposing reauthorization of Section 702 the way it is currently done. I think they will. I hope they will work with us in the appropriations process to stop the weaponization of the government against the American people and end this double standard that exists now in our justice system.

With that, I yield to the gentleman from New York for an opening statement.

Mr. NADLER. Mr. Chair, not that long ago, an oversight hearing of the FBI in this Committee would have been a relatively bipartisan exercise. My colleagues on both sides of the aisle would have asked legitimate questions about the functioning and mission of the Bureau. Some of the questions may have been tough. Debate may have gotten a little heated when we discussed important topics like privacy and discrimination. Our questioning would have been grounded in advancing and overseeing the FBI's dual missions of enforcing Federal laws and countering national security threats on American soil. In short, despite our disagreements, we would have done our duty as Members of the Judiciary Committee.

Today, unfortunately, House Republicans will fall well short of that mark. For them, this hearing is little more than performance art. It is an elaborate show designed with only two purposes in mind, to protect Donald Trump from the consequences of his actions and to return to the White House in the next election. Don't take my word for it. Chair Jordan announced his plan last August, just days after the FBI searched Mar-a-Lago. He told an audience at CPAC, the Conservative Political Action Conference, that the investigation into Trump's wrongdoing was designed to

... help frame up the 2024 race and I hope and I think President Trump is going to run again and we need to make sure that he wins.

Let me repeat that. "We need to make sure that he wins."

In pursuit of this goal, Chair Jordan and Committee Republicans have claimed for months that the FBI is corrupt, rotten, politicized, and their favorite word, weaponized, against the American people. Chair Jordan has launched an array of baseless investigations into the FBI, most premised on absurd conspiracy theories. Some so absurd that the Chair cannot possibly believe them to be true. This

is where the extreme MAGA leadership of this Congress has brought us today. Today, House Republicans will attack the FBI for having had the audacity to treat Donald Trump like any other citizen. The strategy is simple, really. When in doubt, Chair Jordan investigates the investigators. The FBI dared to hold Trump accountable, so Republicans must discredit the FBI at all costs.

You will hear claims today that the FBI's decision to investigate Donald Trump was somehow unfair. You will hear the Republicans attack the indictment of former President Trump on 37 counts related to his gross mishandling of national security information, including information regarding defense and weapons capabilities of both the United States and foreign countries, the United States nuclear programs, potential vulnerabilities of the United States and its allies to military attack, and plans for possible retaliation in response to a foreign attack.

The facts are made clear in the indictment.

The unauthorized disclosure of these classified documents would put at risk the national security of the United States, foreign relations, the safety of the United States military, and human sources and the continued viability of sensitive intelligence collection methods.

Indeed, the indictment goes on to describe how the former President made such unauthorized disclosures, with him boasting about and showing his classified documents to numerous individuals without proper security clearance. You will hear claims today that this indictment against Trump was unfair, maybe even that it was unlawful. You will hear that the FBI should have just asked Trump a little more nicely, one more time, to hand over the documents. You will hear that the case was a political investigation from the start, orchestrated by a liberal-loving FBI that ensures Trump will be wrongfully vilified at every turn.

These claims, of course, are completely untethered from the evidence. Even if you believe, as Chair Jordan claims, that President Trump has committed no crime, surely we can agree that it is dangerous and profoundly irresponsible to have taken these documents from the White House and left them unsecured in Mar-a-Lago.

Again, don't take just my word for it, Trump's Secretary of Defense Mark Esper said that the former President's handling of this information put U.S. service members' lives and the national security at risk. Trump's hand-picked Attorney General Bill Barr, with whom I agree on very little, hit the nail on the head when he described the former President's legal troubles as,

... entirely of his own making. He had no right to those documents. The Government tried for over a year quietly and with respect to get them back and he jerked them around. When he faced a subpoena, he didn't raise any legal argument. He engaged in the course of deceitful conduct. That was a clear crime if those allegations are true.

The former President could have at any time, for months, simply returned the documents and avoided prosecution. House Republicans do not want to talk about any of that. They seem incapable of assigning any agency or responsibility to Donald Trump for problems that are Trump's and Trump's alone.

You might hear today about a man named Steven D'Antuono, the former Special Agent in Charge of the Washington Field Office during the investigation into the documents. Last month, Committee

Republicans brought him in for an interview and shortly after that, Chair Jordan released a letter purporting to describe Mr. D'Antuono's testimony. In fact, Chair Jordan's summary of Mr. D'Antuono's words are a vast mischaracterization of what he actually said. Here is just one example. Chair Jordan has claimed that Mr. D'Antuono said he had "no idea" why the Mar-a-Lago investigation was run out of the FBI's Washington Field Office instead of the Miami Field Office. What the Chair hides are that just seconds later, Mr. D'Antuono explained that "the venue is here" meaning Washington, DC, for the classified documents, that it was "not out of the ordinary for Washington to be lead office running the investigation" and said that Washington has "most experience and knowledge in working public corruption cases" and are "the experts in classified document investigations." Mr. Jordan did not share the full record with the American public because it does not fit his chosen narrative.

My staff has worked to have a minimally redacted version of Mr. D'Antuono's full testimony release and I urge you to read the words for yourself in their entirety. When you compare his actual words to Mr. Jordan's characterization, you will understand why I feel like this hearing room has become a theater. Frankly, that goes for many things that we will hear from the Republicans today. You can expect to hear that the FBI is retaliating against its conservative employees and has a deep-seated conspiracy to support liberal candidates and ideology. These claims are based on the words of several individuals, people Republicans are somewhat laughably calling whistleblowers. In fact, evidence shows that these individuals were suspended for violating serious FBI policy. One provided an unauthorized interview to Russian State-owned media. Another leaked information about an on-going investigation, placing FBI agents and witnesses at risk. Another said that he wanted to use a senior FBI official as "target practice."

Chair Jordan invited some of these so-called Whistleblowers to testify before the Weaponization Subcommittee in May. As it turns out, two of the witnesses were ultimately paid \$250,000 each for their testimony, money raised in part by former Trump aide Kesh Patel and paid by a check with memo line reads "for holding the line."

Yet, Republicans today will try to claim that it is the FBI, and not these witnesses, who are somehow corrupt. Republicans today will also attack President Biden, starting with the IRS investigation into Hunter Biden. They will ignore the fact that U.S. Attorney David Weiss had the authority to bring charges in any district he saw fit and was able to operate fully free of interference. They do not want to acknowledge that despite years of investigation, President Biden has not been found to have engaged in any wrongdoing. Instead, they will try to convince you that Hunter Biden would have been charged with far more serious crimes had it not been for U.S. Attorney Weiss being blocked by the Biden political machine. Once again, when they do not like the outcome, they investigate the investigators and work to discredit the outcome.

Republicans will make false claims about the FBI's Foreign Influence Task Force, claiming that it is somehow censoring conservatives. In fact, the task force plays a key role in making sure that

Russia, China, Iran, and other foreign entities do not again interfere in our elections.

According to Committee Republicans, the task force's efforts to track and prevent foreign influence operations amount to attacks and conservative speech, a nonsensical claim considering that the Foreign Influence Task Force has nothing to do with censoring American free speech and in fact, helps to ensure that American voices are heard by stopping Russian troll farms.

Make no mistake, in making these claims, Republicans have all but rolled out the red carpet and begged Russia to once again interfere in our elections because they believe that doing so will get Trump reelected in 2024. That is the goal of Republicans today. Republican claims that the FBI has been weaponized, their personal attacks on Director Wray, their repeated calls to "defund the FBI," these are not victimless acts. They are a clarion call to anti-government extremists and that call is being heard.

Last year, Director Wray faced multiple credible death threats. FBI employees faced more threats in the months after the Mar-a-Lago search than they had in the entire prior year. The problem has gotten so bad that the FBI has had to stand up an entire new unit dedicated to combating threats to FBI agents and staff. It is far past time that Republicans realize the consequences of their actions.

Republicans may want to downplay Trump's behavior and blame the FBI for his downfall. No matter what they say, Trump risked the safety and security of the United States to remove those documents from the White House, then lied to the government instead of returning to them. Donald Trump must be held accountable and attempts to shield him from the consequences of his own actions are both transparent and despicable.

Ultimately, no matter how many times Republicans attack Director Wray or the FBI or the investigation at Mar-A-Lago, I trust in the rule of law. Mr. Trump will have his day in court. I believe the system will hold him accountable and I thank the men and women of the FBI who helped bring the classified information to safety and protect the national security of our Nation.

Thank you for being here today, Director Wray. I hope your agents will not be disheartened by what they hear today and will continue this kind of work essential to the safety of our Nation. I thank the Chair and I yield back.

Chair JORDAN. The gentleman yields back. Just for the record, the pronunciation of the former Assistant Director in charge of the Washington Field Office is D'Antuono, something that the Ranking Member might have known if he had actually shown up at the deposition like I did. With that, without objection, all other opening statements will be included in the record.

We will now introduce today's witness.

The Honorable Christopher Wray has been the Director of the FBI since 2017. He previously served as the Assistant Attorney General for the Criminal Division of the Department of Justice, the principal Associate Deputy Attorney General, and Associate Deputy Attorney General, and as Assistant U.S. Attorney for the Northern District of Georgia. Director Wray has also worked in private prac-

tice at King & Spaulding LLP. We welcome our witness and thank him for appearing today. We will begin by swearing you in.

Director, would you please rise, raise your right hand, you have done this before. Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Let the record show that the witness answered in the affirmative. Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes. We will give you two extra minutes if you like, Director. Then you know how this works. There will be five minutes of questioning and my guess is every single member is going to have questions for you.

So, again, thank you for being here, Director Wray. You are recognized for your opening statement.

STATEMENT OF THE HON. CHRISTOPHER A. WRAY

Mr. WRAY. Thank you, good morning, Chair Jordan, Ranking Member Nadler, and Members of the Committee. In the time that I have before we get to your questions, I want to talk about the sheer breadth and impact of the work the FBI's 38,000 employees are doing each and every day because the work the men and women of the FBI do to protect the American people goes way beyond the one or two investigations that seem to capture all the headlines.

Take violent crime. Last year alone, working shoulder to shoulder with our partners in State and local law enforcement, the FBI arrested more than 20,000 violent criminals and child predators. That is an average of almost 60 bad guys taken off the streets per day every day.

For our work going after the cartels exploiting our Southwest border to traffic fentanyl and other dangerous drugs into communities nationwide, the FBI is running well over 300 investigations targeting the leadership of those cartels. Working with our partners, we have already seized hundreds of kilograms of fentanyl this year alone, stopping deadly drugs from reaching their intended destinations in States all over the country and saving countless American lives.

Or the thousands of active investigations we now have into the Chinese government's efforts to steal our most precious secrets, rob our businesses of their ideas and innovation, and repress freedom of speech right here in the United States. That is just scratching the surface. The men and women of the FBI work tirelessly every day to protect the American people from what is really a staggering array of threats. We don't do that work alone. The FBI now leads more than 750 task forces nationwide, made up of more than 6,000 State and local task force officers or TFOs, as we call them, for more than 1,800 different State and local agencies. Each of those TFOs represents an officer, a deputy, or an investigator that a local police chief, sheriff, or State superintendent was willing to send our way, certainly not because they didn't have enough work to do in their own department, but because they saw the tremendous value that our FBI-led task forces bring. We are honored and humbled by their trust in us and grateful for their partnership.

The numbers don't tell the whole story. To truly appreciate the impact the FBI and our partners are having, you have got to look at the cases. Just last month, for instance, the FBI charged 31 members of two drug-trafficking organizations responsible for distributing dangerous drugs like fentanyl, cocaine, and methamphetamine throughout the area around Marion, Ohio. In that one investigation run out of the FBI's two-man office in Mansfield, we worked with partners from multiple local police departments and sheriff's offices to take kilos of fentanyl off Marion streets, enough lethal doses, I should add, to kill the entire population of Columbus, Cleveland, and Cincinnati combined.

It is a great example of how even a small office with a small personal footprint, the FBI is working big cases hand in hand with our State and local partners to have an outside impact in our communities.

The FBI has got thousands of employees working scores of investigations like that all over the country to protect the American people. Those men and women who choose to dedicate their careers, their lives, really, to this kind of work and fulfilling the FBI mission are inspiring.

At a time when so many other law enforcement agencies have had a difficult time with recruiting and retention, the Bureau continues to attract applicants in near record numbers. In fact, after the first couple of years of my tenure, the number of Americans applying to be special agents tripled the pace from when I started, reaching the highest levels in about a decade.

At the same time, inside the FBI, our special agent attrition has remained in the low, single digits and would be the envy of almost any employer. Even with these bigger numbers, the folks we are continuing to add continue to be top notch. The percentage of both veterans, and special agent hires with prior law enforcement experience has remained as steady as ever, between 25–30 percent. Add to that in a job market where applicants have a whole lot of other opportunities, the percentage of those new agent-trainees that also have advanced degrees is up and now approaches about 50 percent of every class at Quantico.

The thing that unites them all is a commitment to public service, a willingness to put others above themselves and that is true from the bottom of the organization to the top.

Since becoming Director, I have worked hard to assemble and cultivate a leadership team that embodies those values and characteristics. It is a team that I purposely chose because they walked the walk out in the field. Just taking our top eight leaders as an example, they all came up through the Bureau as line agents. They have worked in 21 different field offices and have a combined 130 years of field experience. They include a West Point grad, veterans of the Army, Air Force, and Marines, as well as a former police officer and State trooper. Not a single one is a political appointee, not one.

Today's FBI leaders reflect the best of our organization, an organization that is made up of 38,000 men and women who are patriots, professionals, and dedicated public servants, and that is the real FBI. I have now visited every single one of our 56 field offices twice, some of them more than twice. I speak constantly with local

chiefs and sheriffs from all 50 States who work closely with us every day; with judges, coast to coast, who see and hear our work up close; with business leaders who turn to us for help with cyber-attacks, with Chinese economic espionage, with victims and their family's people that we protect from gangs and predators. The FBI they tell me about consistently, almost resoundingly, is the same FBI that I see, an FBI that is respected, appreciated, trusted, and it is there for them when they need us the most. That is the FBI that inspires me and that I am proud to be here today to represent. Thank you.

[The prepared statement of the Hon. Mr. Wray follows:]



Department of Justice

STATEMENT OF

CHRISTOPHER A. WRAY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
HOUSE JUDICIARY COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES

AT A HEARING TITLED
"FEDERAL BUREAU OF INVESTIGATION OVERSIGHT"

PRESENTED
JULY 12, 2023

**STATEMENT OF
CHRISTOPHER A. WRAY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

**BEFORE THE
HOUSE JUDICIARY COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES**

**AT A HEARING TITLED
“FEDERAL BUREAU OF INVESTIGATION OVERSIGHT”**

**PRESENTED
JULY 12, 2023**

Good afternoon, Chairman Jordan, Ranking Member Nadler, and Members of the Committee. Thank you for inviting me to appear before you today. I do so on behalf of the men and women of the Federal Bureau of Investigation (“FBI”), who tackle some of the most complex national security and criminal threats every day with perseverance, professionalism, and integrity – sometimes at the greatest of costs. I am extremely proud of their service and commitment to the FBI’s mission and to ensuring the safety and security of communities throughout our nation.

Despite the many challenges our FBI workforce faces, I am immensely proud of their dedication to protecting the American people and upholding the Constitution. The list of diverse threats we face underscores the complexity and breadth of the FBI’s mission: to protect the American people and uphold the Constitution of the United States. I am prepared to discuss with you what the FBI is doing to address these threats and what the FBI is doing to ensure that our people adhere to the highest of standards while it conducts its mission.

Key Threats and Challenges

Our nation continues to face a multitude of serious and evolving threats ranging from homegrown violent extremists to hostile foreign intelligence services and operatives, from sophisticated cyber-based attacks to Internet facilitated sexual exploitation of children, from violent gangs and criminal organizations to public corruption and corporate fraud. Keeping pace with these threats is a significant challenge for the FBI, and requires us to stay current with constantly evolving technologies. Our adversaries—terrorists, foreign intelligence services, and criminals—take advantage of technology, including the Internet and social media, to facilitate illegal activities, to recruit followers, to encourage terrorist attacks and other illicit actions, and to disperse information on building improvised explosive devices and other means to attack the United States. The breadth of these threats and challenges are as complex as at any time in our

history. And the consequences of not responding to and countering threats and challenges have never been greater.

The support of Congress, including this Committee, is critical in helping the FBI do its part to thwart these threats and face these challenges. That support enables us to establish strong capabilities and capacities to assess threats, to share intelligence, to leverage key technologies, and—often most importantly—to hire some of the best talent to serve as Special Agents, Intelligence Analysts, and professional staff. We are continuously enhancing a workforce that possesses skills and knowledge to deal with the complex threats and challenges we face today—and will face tomorrow. We are building a leadership cadre that views change and transformation as a positive tool for keeping the FBI focused on the key threats facing our nation.

Today's FBI is a national security and law enforcement organization that uses, collects, and shares intelligence in everything we do. Each FBI employee understands that, to defeat the key threats facing our nation, we must constantly strive to be more efficient and more effective. Just as our adversaries continue to evolve, so, too, must the FBI. We live in a time of acute and persistent terrorist and criminal threats to our national security, our economy, and indeed our communities. These diverse threats underscore the complexity and breadth of the FBI's mission: to protect the American people and uphold the Constitution of the United States.

National Security

Top Terrorism Threats

Protecting the American people from terrorism—both international and domestic—remains the FBI's number one priority. The threat from terrorism is as persistent and complex as ever. The threats from international terrorism, domestic terrorism, and state-sponsored terrorism all remain at elevated levels, requiring continued investment and vigilance.

The greatest terrorism threat to our Homeland comes from lone actors or small cells who radicalize—typically online—and look to attack soft targets with easily accessible weapons. We see these threats manifested within both Domestic Violent Extremists (“DVEs”) and Homegrown Violent Extremists (“HVEs”), two distinct threats, both of which are located primarily in the United States and typically radicalize and mobilize to violence on their own. Individuals who commit violent criminal acts in furtherance of social or political goals stemming from domestic influences are described as DVEs, whereas HVEs are individuals who are inspired primarily by global jihad but are not receiving individualized direction from Foreign Terrorist Organizations (“FTOs”).

Domestic and Homegrown Violent Extremists are often motivated and inspired by a mix of social or political, ideological, and personal grievances against their targets. Recently, they have focused on accessible targets, including civilians, law enforcement and the military,

symbols or members of the U.S. government, houses of worship, retail locations, and mass public gatherings. Lone actors present a particular challenge to law enforcement and intelligence agencies. These actors are difficult to identify, investigate, and disrupt before they take violent action, especially because of the insular nature of their radicalization and mobilization to violence, as well as their limited discussions with others regarding their plans.

The top domestic terrorism threat we face continues to be from DVEs we categorize as Racially or Ethnically Motivated Violent Extremists (“RMVEs”) and Anti-Government or Anti-Authority Violent Extremists (“AGAAVEs”). In May 2022, a RMVE in the United States conducted an attack in Buffalo, NY, that resulted in the deaths of 10 innocent individuals. The number of FBI domestic terrorism investigations has more than doubled since the spring of 2020. As of the end of fiscal year 2022, the FBI was conducting approximately 2,700 investigations within the domestic terrorism program. The FBI was also conducting approximately 4,000 investigations within its international terrorism program in fiscal year 2022.

The FBI uses all tools available at its disposal to combat domestic terrorism. These efforts represent a critical part of the National Strategy for Countering Domestic Terrorism, which was released in June 2021, and which sets forth a comprehensive, whole-of-government approach to address the many facets of the domestic terrorism threat.

As for international terrorism, the FBI assesses that HVEs are the greatest, most immediate threat to the Homeland. Rather than receiving individualized direction from FTOs, HVEs are people inspired by FTOs—including the self-proclaimed Islamic State of Iraq and ash-Sham (“ISIS”) and al-Qa’ida and their affiliates—to commit violence. A HVE’s lack of a direct connection with an FTO, ability to rapidly mobilize without detection, and use of encrypted communications can pose significant challenges to our ability to proactively identify and disrupt potential violent attacks. For example, on New Year’s Eve last year in New York City, an HVE attacked three New York Police Department Officers using an edged weapon.

The FBI remains concerned about the Taliban takeover of Afghanistan and the intent of FTOs, such as ISIS and al-Qa’ida and their affiliates, to carry out or inspire large-scale attacks in the United States.

Despite its loss of physical territory in Iraq and Syria, ISIS remains relentless in its campaign of violence against the United States and our partners—both here at home and overseas. ISIS and its supporters continue to aggressively promote hate-fueled rhetoric and to attract like-minded violent extremists with a willingness to conduct attacks against the United States and our interests abroad. We are also concerned about ISIS’s successful use of social media and messaging applications, like other foreign terrorist groups, to advocate for lone-offender attacks in the United States and Western countries. They use videos and other English language propaganda that have specifically advocated for attacks against civilians, the military, law enforcement, and intelligence community personnel.

Al-Qa'ida also maintains its desire to conduct and inspire large-scale, spectacular attacks. Because continued pressure has degraded some of the group's senior leadership, we assess that, in the near term, al-Qa'ida is more likely to continue to focus on cultivating its international affiliates and supporting small-scale, readily achievable attacks in regions such as East and West Africa. Over the past year, however, propaganda from al-Qa'ida leaders continued to seek to inspire individuals to conduct their own attacks in the United States and other Western nations.

Iran and its global proxies and partners, including Iraqi Shia militant groups, continue to attack and plot against the United States and our allies throughout the Middle East. Iran's Islamic Revolutionary Guard Corps-Qods Force ("IRGC-QF") continues to provide support to militant resistance groups and terrorist organizations. Iran also continues to support Lebanese Hizballah and other terrorist groups. Hizballah has sent operatives to build terrorist infrastructures worldwide. The arrests of individuals in the United States allegedly linked to Hizballah's main overseas terrorist arm, and their intelligence collection and procurement efforts, demonstrate Hizballah's interest in long-term contingency planning activities here in the Homeland. Hizballah Secretary-General Hassan Nasrallah also has threatened retaliation for the death of IRGC-QF Commander Qassem Soleimani. This willingness to seek retaliation against the United States was reflected in charges the Department brought in 2022 against a member of the IRGC, working on behalf of the Qods Force, with a plot to murder a former national security advisor.

While the terrorism threat continues to evolve, the FBI's resolve to counter that threat remains constant. As an organization, we continually adapt and rely heavily on the strength of our Federal, state, local, Tribal, territorial, and international partnerships to combat all terrorist threats to the United States and our interests. We use all available lawful investigative techniques and methods to combat these threats. We collect, analyze, and share intelligence concerning the threats posed by violent extremists, in all their forms, who desire to harm Americans and U.S. interests. And we will continue to share information and encourage the sharing of information among our numerous partners through our Joint Terrorism Task Forces across the country, as well as our Legal Attaché offices around the world.

In addition to fighting terrorism, countering the proliferation of weapons of mass destruction materials, technologies, and expertise, preventing their use by any actor, and securing nuclear and radioactive materials of concern are also top national security priority missions for the FBI. The FBI considers preventing, mitigating, investigating, and responding to weapons of mass destruction ("WMD") terrorism a "no-fail" mission because a WMD attack could result in substantial injuries, illness, or loss of lives, with significant social, economic, political and other national security consequences. In collaboration with Federal, state, local, Tribal, territorial, and other partners, The FBI integrates complementary efforts to counter WMD terrorism. An example of this collaboration is the FBI-led Weapons of Mass Destruction Strategic Group. This interagency crisis action team spans more than fifteen departments and agencies to coordinate the federal government's response to WMD threats and incidents.

Alongside the FBI, the Department of Homeland Security maintains the largest footprint on the Strategic Group.

Cyber

Cyber-criminal syndicates and nation-states continue to innovate and use unique techniques to compromise our networks and maximize the reach and impact of their operations. Those techniques include selling malware as a service and targeting vendors as a way to access scores of victims by hacking just one provider.

These criminals and nation-states believe that they can compromise our networks, steal our property, extort us, and hold our critical infrastructure at risk without incurring any risk themselves. In the last few years, we have seen—and have publicly called out—the People’s Republic of China (“PRC”), the Democratic People’s Republic of Korea (“DPRK”), and Russia for using cyber operations to target U.S. COVID-19 vaccines and research. We have seen the far-reaching disruptive impact a serious supply-chain compromise can have through the SolarWinds-related intrusions, conducted by the Russian Foreign Intelligence Service. We have seen the PRC working to obtain controlled dual-use technology and developing an arsenal of advanced cyber capabilities that could be used against other countries in the event of a real-world conflict. As these adversaries become more sophisticated, we are increasingly concerned about our ability to detect and warn about specific cyber operations against U.S. organizations. One of the most worrisome facets is their focus on compromising U.S. critical infrastructure, especially during a crisis.

Making things more difficult, there is often no bright line that separates where nation-state activity ends and cybercriminal activity begins. Some cybercriminals contract or sell services to nation-states; some nation-state actors moonlight as cybercriminals to fund personal activities; and nation-states are increasingly using tools typically used by criminal actors, such as ransomware.

So, as dangerous as nation-states are, we do not have the luxury of focusing on them alone. In the past year, we also have seen cybercriminals target hospitals, medical centers, educational institutions, and other critical infrastructure for theft or ransomware, causing massive disruption to our daily lives. Incidents affecting medical centers, in particular, have led to the interruption of computer networks and systems that put patients’ lives at an increased risk, at a time when America has faced its most dire public health crisis in generations.

We have also seen the rise of an ecosystem of services dedicated to supporting cybercrime in exchange for cryptocurrency. Criminals now have new tools to engage in destructive behavior—for example, deploying ransomware to paralyze entire hospitals, police departments, and businesses—as well as new means to better conceal their tracks. It is not that individual malicious cyber actors have necessarily become much more sophisticated, but that they can now more easily rent sophisticated capabilities.

We must make it harder and more painful for malicious cyber actors and criminals to carry on their malicious activities. Using its role as the lead federal agency for threat response, the FBI works seamlessly with domestic and international partners to defend their networks, attribute malicious activity, sanction bad behavior, and take the fight to our adversaries overseas. We must impose consequences on cyber adversaries and use our collective law enforcement and intelligence capabilities to do so through joint and enabled operations sequenced for maximum impact. And we must continue to work with the Department of State and other key agencies to ensure that our foreign partners are able and willing to cooperate in our efforts to disrupt and bring to justice the perpetrators of cybercrime.

An example of this approach is the coordinated international operation announced in April 2023 against Genesis Market, a criminal online marketplace offering access to data stolen from over 1.5 million compromised computers around the world containing over 80 million account access credentials. Genesis Market was also a prolific initial access broker in the cyber crime world, providing criminals a user-friendly database to search for stolen credentials and more easily infiltrate victims' computers and accounts. As part of this operation, law enforcement seized 11 domain names used to support Genesis Market's infrastructure pursuant to a warrant authorized by the U.S. District Court for the Eastern District of Wisconsin. A total of 22 international agencies and 44 FBI field offices worked with the FBI Milwaukee Field Office investigating the case. And on April 5, the U.S. Department of the Treasury announced sanctions against Genesis Market.

In total, along with our Department colleagues, we took over 1,000 actions against cyber adversaries in 2022, including arrests, criminal charges, convictions, dismantlements, and disruptions. We enabled many more actions through our dedicated partnerships with the private sector, with foreign partners, and with federal, state, and local entities. We also provided thousands of individualized threat warnings and disseminated 70 public threat advisories by way of Joint Cybersecurity Advisories, FBI Liaison Alert System ("FLASH") reports, Private Industry Notifications ("PINs"), and Public Service Announcements ("PSAs")—many of which were jointly authored with other U.S. agencies and international partners.

Along with our partners in the interagency, the FBI has devoted significant energy and resources to these partnerships, especially those involving the private sector. We are working hard to push important threat information to network defenders, but we have also been making it as easy as possible for the private sector to share important information with us. For example, we are emphasizing to the private sector how we keep our presence unobtrusive in the wake of an incident, as well as how we protect identities and other information that the private sector shares with us. We are also committed to providing useful feedback and to improving coordination with our government partners so that we are speaking with one voice. But we need the private sector to do its part, too. We need the private sector to come forward to warn us and our partners—and warn us quickly—when they see malicious cyber activity. We also need the private sector to work with us when we warn them that they are being targeted. Significant cyber incidents—SolarWinds, Cyclops Blink, the Colonial pipeline incident—only

emphasize what we have been saying for a long time: the government cannot protect against cyber threats on its own. We need a whole-of-society approach that matches the scope of the danger. There is no other option for defending a country where nearly all of our critical infrastructure, personal data, intellectual property, and network infrastructure sits in private hands.

In summary, the FBI is engaged in a myriad of efforts to combat cyber threats, from improving threat identification and information-sharing inside and outside of the government to developing and retaining new talent, to examining the way we operate to disrupt and defeat these threats. We take all potential threats to public and private-sector systems seriously and will continue to investigate and hold accountable those who pose a threat in cyberspace.

Foreign Intelligence Threats

Top Threats

Nations such as China, Russia, and Iran are becoming more aggressive and more capable in their nefarious activity than ever before. These nations seek to undermine our core democratic, economic, and scientific institutions. They employ a growing range of tactics to advance their interests and to harm the United States. Defending American institutions and values against these threats is a national security imperative and a priority for the FBI.

With that, the greatest long-term threat to our nation's ideas, innovation, and economic security is the foreign intelligence and economic espionage threat from the PRC. It's a threat to our economic security—and, by extension—to our national security. The PRC government aspires to reshape the international rules-based system to its benefit, with little regard for the democratic ideals that underpin it. The pursuit of these goals is often with little regard for international norms and laws.

When it comes to economic espionage, the PRC uses every means at its disposal against us—blending cyber, human intelligence, diplomacy, corporate transactions, and other pressure on U.S. companies operating in the PRC, to achieve its strategic goals to steal our companies' innovations. These efforts are consistent with the PRC government's expressed goal to become an international power, modernizing its military and creating innovative-driven economic growth.

To pursue this goal, China uses human intelligence officers, co-optees, and corrupt corporate insiders, as well as sophisticated cyber intrusions, pressure on U.S. companies in China, shell-game corporate transactions, and joint-venture "partnerships" that are anything but a true partnership. There's also nothing traditional about the scale of their theft. It is unprecedented in the history of the FBI. American workers and companies are facing a greater, more complex danger than they have ever dealt with before. Stolen innovation means stolen

jobs, stolen opportunities for American workers, stolen national power, and stolen leadership in the industries.

National Counterintelligence Task Force (“NCITF”)

As the lead U.S. counterintelligence agency, the FBI is responsible for detecting and lawfully countering the actions of foreign intelligence services and organizations as they seek to adversely affect U.S. national interests. Recognizing the need to coordinate similar efforts across all agencies, the FBI established the NCITF in 2019 to create a whole-of-government approach to counterintelligence. The FBI established this national-level task force in the National Capital Region to coordinate, facilitate, and focus these multi-agency counterintelligence operations, and to programmatically support local Counterintelligence Task Force (“CITF”) operations. Combining the authorities and operational capabilities of the U.S. Intelligence Community, NT-50 departments and agencies, law enforcement agencies around the country, and local CITFs in each FBI field office, the NCITF coordinates and leads whole-of-government efforts to defeat hostile intelligence activities targeting the United States.

The Department of Defense (“DoD”) has been a key partner in the NCITF since its founding. While the FBI has had long-term collaborative relationships with DoD entities such as the Air Force Office of Special Investigations, Naval Criminal Investigative Service, and Army Counterintelligence, the NCITF has allowed us to enhance our collaboration with each other for greater impact. We plan to emphasize this whole-of-government approach as a powerful formula to mitigate the modern counterintelligence threat.

Transnational Repression

In recent years, we have seen a rise in efforts by authoritarian regimes to interfere with freedom of expression and punish dissidents abroad. These acts of repression cross national borders, often reaching into the United States. Governments such as the PRC, the Russian Federation, and the Government of Iran stalk, intimidate, and harass certain people in the United States. This is called transnational repression. It is illegal, and the FBI is investigating it.

Transnational repression can occur in different forms, including assaults and attempted kidnapping. Governments use transnational repression tactics to silence the voices of their citizens, U.S. residents, or non-citizens connected to the home country. This sort of repressive behavior is antithetical to our values as Americans. People from all over the world are drawn to the United States by the promise of living in a free and open society—one that adheres to the rule of law. To ensure that this promise remains a reality, we must continue to use all of our tools to block authoritarian regimes that seek to extend their tactics of repression beyond their shores.

Our nation is confronting multifaceted foreign threats seeking both to influence our national policies and public opinion and to harm our national dialogue and debate. The FBI and our interagency partners remain focused on foreign malign influence operations—which include subversive, undeclared, coercive, and criminal actions used by foreign governments in their attempts to sway U.S. voters’ preferences and perspectives, shift U.S. policies, increase discord in the United States, and undermine the American people’s confidence in our democratic institutions and processes.

Foreign malign influence is not a new problem, but the interconnectedness of the modern world, combined with the anonymity of the Internet, have changed the nature of the threat and how the FBI and its partners must address it. Foreign malign influence operations have taken many forms and have used many tactics over the years.

The FBI is the lead Federal agency responsible for investigating foreign malign influence threats. Several years ago, we established the Foreign Influence Task Force (“FITF”) to identify and counteract foreign malign influence operations targeting the United States. The FITF is led by our Counterintelligence Division and comprises agents, analysts, and professional staff from the Counterintelligence, Cyber, Counterterrorism, and Criminal Investigative Divisions. It is specifically charged with identifying and combating foreign malign influence operations targeting democratic institutions inside the United States.

The domestic counterintelligence environment is more complex than ever. We face a persistent and pervasive national security threat from foreign adversaries, particularly the Governments of Russia and China, conducting sophisticated intelligence operations using coercion, subversion, malign influence, cyber and economic espionage, traditional spying, and non-traditional human intelligence collection. Together, they pose a continuous threat to U.S. national security and our economy by targeting strategic technologies, industries, sectors, and critical infrastructures. Historically, these asymmetric national security threats involved foreign intelligence service officers seeking U.S. government and U.S. Intelligence Community information. The FBI has observed foreign adversaries employing a wide range of nontraditional collection techniques, including the use of human collectors not affiliated with intelligence services, foreign investment in critical U.S. sectors, and infiltration of U.S. supply chains. The FBI continues to adjust our counterintelligence priorities and posture to address the evolving and multifaceted threat.

Criminal Threats

The U.S. faces many criminal threats, including financial and health care fraud, transnational and regional organized criminal enterprises, crimes against children and human trafficking, and public corruption. Criminal organizations—domestic and international—and individual criminal activity represent a significant threat to security and safety in communities across the nation.

Violent Crime

Violent crimes and gang activities exact a high toll on individuals and communities. Many of today's gangs are sophisticated and well-organized. They use violence to control neighborhoods and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings. These gangs do not limit their illegal activities to single jurisdictions or communities. The FBI is able to work across such lines, which is vital to the fight against violent crime in big cities and small towns across our nation. Every day, FBI Special Agents work in partnership with Federal, state, local, and Tribal officers and deputies on joint task forces and individual investigations.

FBI joint task forces—Violent Crime Safe Streets, Violent Gang Safe Streets, and Safe Trails—focus on identifying and targeting major groups operating as criminal enterprises. Much of the FBI criminal intelligence is derived from our state, local, and Tribal law enforcement partners, who know their communities inside and out. Joint task forces benefit from FBI surveillance assets, and our sources track these gangs to identify emerging trends. Through these multi-subject and multi-jurisdictional investigations, the FBI concentrates its efforts on high-level groups engaged in patterns of racketeering. This investigative model enables us to target senior gang leadership and to develop enterprise-based prosecutions.

By way of example, the FBI has dedicated tremendous resources to combat the threat of violence posed by MS-13. The atypical nature of this gang has required a multi-pronged approach. We work through our task forces here in the United States, while simultaneously gathering intelligence and aiding our international law enforcement partners. We do this through the FBI's Transnational Anti-Gang Task Forces ("TAGs"). Established in El Salvador in 2007 through the FBI's National Gang Task Force, Legal Attaché San Salvador, and the United States Department of State, each TAG is a fully operational unit responsible for the investigation of, primarily, MS-13 operating in the northern triangle of Central America and threatening the United States. This program combines the expertise, resources, and jurisdiction of participating agencies involved in investigating and countering transnational criminal gang activity in the United States and Central America. There are now TAGs in El Salvador, Guatemala, and Honduras. Through these combined efforts, the FBI has achieved substantial success in countering the MS-13 threat across the United States and Central America.

We are committed to working with our Federal, state, local, and Tribal partners in a coordinated effort to reduce violent crime in the United States.

Transnational Organized Crime ("TOC")

More than a decade ago, organized crime was characterized by hierarchical organizations, or families, that exerted influence over criminal activities in neighborhoods, cities, or states. But organized crime has changed dramatically. Today, international criminal enterprises run multi-national, multi-billion-dollar schemes from start to finish. Modern-day criminal enterprises are flat, fluid networks with global reach. While still engaged in many of

the “traditional” organized crime activities of loan-sharking, extortion, and murder, modern criminal enterprises are also involved in trafficking counterfeit prescription drugs containing deadly fentanyl, targeting stock market fraud and manipulation, cyber-facilitated bank fraud and embezzlement, illicit drug trafficking, identity theft, human trafficking, money laundering, alien smuggling, public corruption, weapons trafficking, kidnapping, and other illegal activities. TOC networks exploit legitimate institutions for critical financial and business services that enable the storage or transfer of illicit proceeds. Preventing and combating transnational organized crime demands a concentrated effort by the FBI and Federal, state, local, Tribal, and international partners.

As part of our efforts to combat the TOC threat, the FBI is focused on the cartels trafficking dangerous narcotics, like fentanyl, across our border. The FBI has 323 pending investigations linked to cartel leadership and 78 of those investigations are along the southern border. Additionally, the FBI actively participates in 17 OCDETF Strike Forces across the United States, investigating major drug trafficking, money laundering, and other high priority transnational organized crime networks. On top of that, we are pursuing healthcare fraud investigations against medical professionals and pill mills through our prescription drug initiative, investigating the gangs and criminal groups responsible for distributing dangerous substances like fentanyl through our Safe Streets Task Forces, and disrupting and dismantling DarkNet marketplaces for prescription opioids and drugs like fentanyl through our Joint Criminal Opioid Darknet Enforcement team.

While the FBI continues to share intelligence about criminal groups with our partners and combines resources and expertise to gain a full understanding of each group, the threat of transnational crime remains a significant and growing threat to national and international security with implications for public safety, public health, democratic institutions, and economic stability across the globe. TOC groups increasingly exploit jurisdictional boundaries to conduct their criminal activities overseas. Furthermore, they are expanding their use of the Darknet to engage in illegal activity while exploiting emerging technology to traffic illicit drugs and contraband across international borders and into the United States.

Crimes Against Children and Human Trafficking

Every year, thousands of children become victims of crimes, whether it is through kidnappings, violent attacks, sexual abuse, human trafficking, or online predators. The FBI is uniquely positioned to provide a rapid, proactive, and comprehensive response. We help identify, locate, and recover child victims. Our strong relationships with federal, state, local, Tribal, and international law enforcement partners also help to identify, prioritize, investigate, and deter individuals and criminal networks from exploiting children.

But the FBI’s ability to learn about and investigate child sexual exploitation is being threatened by the proliferation of sites online on the Darknet. For example, currently, there are at least 30 child sexual abuse material sites operating openly and notoriously on the Darknet. Some of these exploitative sites are exclusively dedicated to the sexual abuse of infants and

toddlers. The sites often expand rapidly, with one site obtaining 200,000 new members within its first four weeks of operation.

Another growing area of concern involving the sexual exploitation of children is the explosion in incidents of children and teens being coerced into sending explicit images online and extorted for money – a crime known as financial sextortion. In 2022, law enforcement received over 7,000 reports related to the online financial sextortion of minors, resulting in at least 3,000 victims, primarily boys, and more than a dozen suicides. A large percentage of these sextortion schemes originate outside the United States, primarily in West African countries such as Nigeria and Ivory Coast. The FBI continues to collaborate with other law enforcement partners and the National Center for Missing and Exploited Children to mitigate this criminal activity, and provide the public with informational alerts and victim resources regarding these crimes.

The FBI has several programs in place to arrest child predators and to recover missing and endangered children. To this end, the FBI funds or participates in a variety of endeavors, including our Innocence Lost National Initiative, Innocent Images National Initiative, Operation Cross Country, Child Abduction Rapid Deployment Team, Victim Services, over 80 Child Exploitation and Human Trafficking Task Forces, over 50 International Violent Crimes Against Children Task Force officers, as well as numerous community outreach programs to educate parents and children about safety measures they can follow. Through improved communications, the FBI also has the ability to quickly collaborate with partners throughout the world, which plays an integral role in crime prevention.

The Child Abduction Rapid Deployment Team is a rapid response team with experienced investigators strategically located across the country to quickly respond to child abductions. Investigators are able to provide a full array of investigative and technical resources during the most critical time period following the abduction of a child, such as the collection and analysis of DNA, impression, and trace evidence, the processing of digital forensic evidence, and interviewing expertise.

The FBI also focuses efforts to stop human trafficking of both children and adults. The FBI works collaboratively with law enforcement partners to disrupt all forms of human trafficking through Human Trafficking Task Forces nationwide. One way the FBI combats this pernicious crime problem is through investigations such as Operation Cross Country. Over a two-week period in 2022, the FBI, along with other federal, state, local, and Tribal partners, executed approximately 400 operations to recover survivors of human trafficking and disrupt traffickers. These operations identified and located 84 minor victims of child sex trafficking and child sexual exploitation offenses, and located 37 actively missing children. Furthermore, the FBI and its partners located 141 adult victims of human trafficking. In addition to recovering victims, the law enforcement activity conducted during Operation Cross Country led to the identification and arrest of 85 suspects for child sexual exploitation or human trafficking offenses.

Although many victims of human trafficking recovered by the FBI are adult U.S. citizens, the FBI and its partners recognize that foreign nationals, children, and other vulnerable populations are disproportionately harmed by both sex and labor trafficking. We take a victim-centered, trauma-informed approach to investigating these cases and strive to ensure the needs of victims are fully addressed at all stages. To accomplish this, the FBI works in conjunction with other law enforcement agencies and victim specialists on the federal, state, local, and Tribal levels, as well as with a variety of vetted non-governmental organizations. Even after the arrest and conviction of human traffickers, the FBI often continues to work with partner agencies and organizations to assist victims and survivors in moving beyond their exploitation.

Reauthorization of Section 702 of the Foreign Intelligence Surveillance Act

Before closing, I would be remiss if I didn't underscore an urgent legislative matter directly relevant to our discussion today. As the Committee knows, at the end of December Section 702 and other provisions of the Foreign Intelligence Surveillance Act will expire unless renewed.

Loss of this vital provision, or its reauthorization in a narrowed form, would raise profound risks. For the Bureau in particular, either outcome would mean substantially impairing, or in some cases entirely eliminating, our ability to find and disrupt many of most serious security threats I described earlier in my statement.

I am especially concerned about one frequently-discussed proposal, to require the government to obtain a warrant or court order from a judge before personnel may conduct a "U.S. person query" of information previously obtained through use of Section 702. A warrant requirement would amount to a *de facto* ban, because query applications either would not meet the legal standard to win court approval; or because, when the standard could be met, it would be so only after the expenditure of scarce resources, the submission and review of a lengthy legal filing, and the passage of significant time – which, in the world of rapidly evolving threats, the government often doesn't have. That would be a body blow to the FBI, which relies on this longstanding, lawful capability to rapidly uncover previously hidden threats and connections, and to take swift steps to protect the homeland when needed.

To be sure, nobody more deeply shares Members' concerns regarding past FBI compliance violations related to FISA, including the rules for querying Section 702 collection using U.S. person identifiers, than I do. These violations never should have happened and preventing recurrence is a matter of utmost priority. Fortunately, the Administration's initial response to these episodes was rigorous, and already has yielded significant results – in dramatically reducing the number of "U.S. person queries" by the FBI of the Section 702 database, and in substantially improving its compliance rate. Moreover, as we publicly announced last month, the Bureau is implementing further measures both to keep improving our compliance and to hold our personnel accountable for misuse of Section 702 and other FISA

provisions – including through an escalating scheme for employee discipline, culminating in possible dismissal.

Together with other leaders of the Intelligence Community and the Department of Justice, I remain committed to working with this Committee and others in Congress, on potential reforms to Section 702 that would not diminish its critical intelligence value. There are many options for meaningfully enhancing privacy and oversight, while fully preserving Section 702's efficacy. Doing that will be critical, in order to ensure the FBI's continuing ability to fulfill its mission of identifying and stopping national security threats within the U.S. homeland.

Conclusion

The strength of any organization is its people. The threats we face as a nation have never been greater or more diverse, and the expectations placed on the FBI have never been higher. Our fellow citizens look to the FBI to protect the United States from all of those threats, and the men and women of the FBI continue to meet and exceed those expectations, every day. I want to thank them for their dedicated service.

Chairman Jordan, Ranking Member Nadler, and Members of the Committee, thank you for the opportunity to testify today. I am happy to answer your questions.

Chair JORDAN. Thank you. We will now proceed under the five-minute rule with questions. The Chair recognizes the gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chair. Director Wray, this is no time to mince words. The American people have lost faith in the FBI. All our constituents are demanding that we get this situation under control, and we have to do that. That is our responsibility. This is not a political party issue, sir. This is about whether the very system of justice in our country can be trusted any more. Without that, no republic can survive.

See, the American people that we represent are losing count of the scandals that are mounting. The FBI has been involved; they have seen evidence that is being used as a political tool by the Biden Administration. They have seen counterterrorism resources being used against school parents; the homes of conservative political opponents being raided. They have seen conservative States being targeted over their election integrity laws and conservative Catholics and pro-life citizens characterized as violent extremists.

Just last month, as you know, former Special Counsel John Durham sat right in that seat and testified that the Justice Department and the FBI should never have launched the bogus Trump-Russia investigation. His lengthy report reluctantly concluded that the FBI “failed to uphold its mission of strict fidelity to the law.”

Just last week, NBC had a poll. Only 37 percent of registered voters now view the FBI positively. Thirty-five percent have a negative view. In 2018, by comparison, 52 percent of the country had a positive view of the FBI. There is a serious decline in the people’s faith, and it is on your watch, sir.

Then, July 4th, we had this explosive, explosive 155-page opinion from a Federal Court in my home State of Louisiana that explains in detail that the FBI has been directly involved in what the Court says is, “arguably the most massive attack against free speech in United States history.”

The court ordered the White House DOJ and FBI, among others, to immediately cease colluding with and coercing social media companies to suppress American speech, of course, conservative speech in particular.

Director Wray, I find it stunning. You made no mention of this court opinion either in your opening statement today or in this lengthy 14-page report that you prepared on July 12th which is eight days after the Court ruling.

Have you read the ruling, sir?

Mr. WRAY. I am familiar with the ruling, and I’ve reviewed it with our Office of General Counsel.

Mr. JOHNSON of Louisiana. Are you deeply disturbed by what they have told you about the ruling, if you haven’t read it yourself?

Mr. WRAY. Obviously, we’re going to comply with the Court’s order, the Court’s preliminary injunction. We sent out guidance to the field and headquarters about how to do that. Needless to say, the injunction itself is a subject of ongoing litigation. So, I’ll decline to comment further on that.

Mr. JOHNSON of Louisiana. Well, let me tell you what the Court concluded because it should be the first thing you think about

every morning and the last thing you think about at night. They said, that, quote, the Court found, apparently,

The FBI engaged in a massive effort to suppress disfavored conservative speech and blatantly ignored the First Amendment to right to free speech. The evidence shows the FBI threatened adverse consequences to social media companies if they did not comply with its censorship requests.

The Court found that, quote,

This seemingly unrelenting pressure by the FBI and the other Defendants had the intended result of suppressing millions of protected free speech postings by American citizens.

As a result, the Court states, for example,

Millions of citizens did not hear about the Hunter Biden laptop story prior to the November 3, 2020 election.

Page 4 of the Court ruling lists some of the important subjects that the Biden Administration and the FBI forced the social media platforms to suppress. The evidence shows you, your agency, the people that directly report to you, suppressed conservative-leaning free speech about topics like the laptop; the lab leak theory of COVID-19's origin; the effectiveness of masks and COVID-19 lockdowns and vaccines; speech about election integrity in the 2020 Presidential Election; security of voting by mail; even parity about the President himself; negative posts about the economy.

The FBI made the social media platforms pull that information off the internet if it came from conservative sources. They did this under the guise that it was disinformation.

Can you define what "disinformation" is?

Mr. WRAY. What I can tell you is that our focus is not on disinformation, broadly speaking, but on the—

Mr. JOHNSON of Louisiana. Well, wait a minute. Yes, it is. Wait it a minute. Your—

Mr. WRAY. Can I answer the question?

Mr. JOHNSON of Louisiana. You can in a minute. Your star witness said in the litigation, Elvis Chan, who's in charge of this, said they do it on the basis of "disinformation." We need a definition of what that is.

Mr. WRAY. Our focus is on malign foreign disinformation; that is, foreign hostile actors who engage in covert efforts to abuse—

Mr. JOHNSON of Louisiana. Mr. Wray—

Mr. WRAY. —our social media platforms, which is something that is not seriously in dispute—

Mr. JOHNSON of Louisiana. I have to stop you for time. That's not accurate. You need to read this Court opinion because you're in charge of enforcing it. The Court has found that—and Elvis Chan testified under oath, in charge of this for you—he said 50 percent, he had a 50 percent success rate in having alleged election disinformation taken down or censored. That wasn't just foreign adversaries, sir. That was American citizens. How do you answer for that?

Mr. WRAY. Well, first, I'm not sure that's a correct characterization of his testimony, but what I—

Mr. JOHNSON of Louisiana. It comes right out of the opinion. You should read it.

Mr. WRAY. —of his testimony, but what I would say is the FBI is not in the business of moderating content or causing any social media company to suppress or censor—

Mr. JOHNSON of Louisiana. That is not what the Court has found.

Mr. WRAY. What I would also say is, among the things that you listed off, I find ironic the reference to the lab leak theory. The idea that the FBI would somehow be involved in suppressing references to the lab leak theory is somewhat absurd when you consider the fact that the FBI was the only—the only—agency in the entire intelligence community to reach the assessment that it was more likely than not that was the explanation for the pandemic.

Mr. JOHNSON of Louisiana. Your agents, your agents pulled it off the internet, sir. That's what the evidence and the Court has found.

Chair JORDAN. The time of the gentleman has expired.

The gentleman from New York is recognized.

Mr. NADLER. Director Wray, House Republicans have attacked the execution of the search warrant of Mar-a-Lago last August as a, quote, “unprecedented raid.” Would you consider the execution of the search warrant at Mar-a-Lago a raid?

Mr. WRAY. I would not call it a raid. I would call it the execution of a lawful search warrant.

Mr. NADLER. Can you describe how the search was executed?

Mr. WRAY. Well, we had the case team follow its standard procedure. It has sometimes been described as a SWAT operation. It was not. There was no SWAT involvement. Beyond that, I think I want to be really careful with getting too far into the details now that this case is not only in the hands of a Special Counsel, but, more importantly, in my view, in front of the Court. I learned a long time ago, as a line prosecutor and defense lawyer, to respect the Court process as where I think you should speak.

Mr. NADLER. Were particular steps taken to ensure that the execution of the search warrant did not draw undue attention?

Mr. WRAY. I think there were steps along those lines, yes, sir.

Mr. NADLER. Can you name a couple of them?

Mr. WRAY. Well, among other things, we did not have people coming in so-called “raid jackets,” which is often something you would see—

Mr. NADLER. So, in other words, the FBI agents executing the search wore plainclothes, so as not to attract undue attention, and the FBI waited until Trump had left Mar-a-Lago to execute the search. Is that correct?

Mr. WRAY. Yes.

Mr. NADLER. Chair Jordan has attacked the DOJ and the FBI for not attempting to get the documents back from Trump consensually before turning to a search warrant. I want to walk through all the opportunities Trump had to produce these documents, and I have a series of yes-or-no questions.

The National Archives, also known as NARA, first asked Trump to return all Presidential records to them in May 2021, correct?

Mr. WRAY. Well, I don't remember the date, but I remember there was a request by the National Archives.

Mr. NADLER. OK. Then, throughout 2021, NARA made repeatedly followup requests, but, still, Trump failed to comply, correct?

Mr. WRAY. Yes, I would refer you to the pleadings that have been filed in court that lay out in better detail than I could here—

Mr. NADLER. In fact, it was not until January 2022, after NARA warned Trump that failing to return documents could violate the Presidential Records Act, that Trump finally produced 15 boxes of documents to it, correct?

Mr. WRAY. Again, I would just refer to our court filings, which go into great detail about all this.

Mr. NADLER. Even these 15 boxes did not contain all the documents Trump was required to return, correct?

Mr. WRAY. That's my recollection, but, again, I'll refer to the filings.

Mr. NADLER. So, in May 2022, a grand jury had to actually subpoena Trump for the missing documents, correct?

Mr. WRAY. The same answer.

Mr. NADLER. Trump was, then, present on June 3rd, when his attorneys handed over another folder of documents and a certification that all classified material had been returned, correct?

Mr. WRAY. Again, I just want to stick with what's in the Court filings. That sounds right to me, but I really want to be careful to stay within the four corners of—

Mr. NADLER. The certification was false, right? Even then, Trump had not returned all classified material, correct?

Mr. WRAY. I think that is part of the indictment.

Mr. NADLER. He had additional documents hiding in his bathroom and his storage room, in storage units, et cetera. Yes?

Mr. WRAY. Again, I think that's part of the indictment.

Mr. NADLER. So, finally, DOJ and the FBI were required to obtain a search warrant to obtain the classified documents that had not been retained, correct?

Mr. WRAY. The same answer.

Mr. NADLER. The documents retrieved during that search included 69 marked confidential, 98 secrets, and 30 top secrets, is that correct?

Mr. WRAY. The same answer.

Mr. NADLER. So, to sum up, President Trump had many, many chances to voluntarily comply with the FBI and DOJ's requests. Instead, he made the choice to keep these highly classified defense and national security documents, apparently, because he wanted a souvenir.

I find myself in the strange position of agreeing with former Attorney General Bill Barr's statement that Trump brought this on himself. I would add that it's absurd that House Republicans are attacking the FBI and DOJ for doing their job in ensuring that no person is above the law.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Kentucky is recognized for five minutes.

Mr. MASSIE. I thank the Chair.

Director Wray, in light of information provided to us about the FBI's investigation of the January 6th pipe bombs, in an interview with Assistant Director Steven D'Antuono, Chair Jordan and I sent

you a letter a month ago. Some of the information that we found in that interview was that phone data that could have helped to identify the pipe-bomber was corrupted, was unusable. He also wasn't sure who found or how the second bomb was found at the DNC.

Do you know how the second bomb was found at the DNC? When do you plan on answering our letter?

Mr. WRAY. Well, as to the letter, I will work with the Department to make sure we can figure out what information we can provide. As you know, this is a very active, ongoing investigation and there are some restrictions on that, but we will do our best to—

Mr. MASSIE. Yes, we can handle classified information—

Mr. WRAY. Yes.

Mr. MASSIE. —and we fund your Department. So, you need to provide that.

Mr. WRAY. It's not, respectfully, it's not an issue of classification. It's an issue of commenting on ongoing criminal investigations, which is something that, by longstanding Department policy, we are restricted in doing. In fact, the last administration actually strengthened those policies, partly because—

Mr. MASSIE. That's not our policy, though, and we fund you. So, let's move on.

Mr. WRAY. I could State it's partly because—

Mr. MASSIE. Do you know how the second pipe bomb—can you tell us how the second pipe bomb was found at the DNC?

Mr. WRAY. Again, I'm not going to get into that here.

Mr. MASSIE. Nine hundred days ago is when this happened, and you said you had total confidence we'd apprehend the subject. We've found video that looks like somebody, a passer-by, miraculously found this pipe bomb at the DNC, and then, notified the police. Miraculously, I say because it was at specifically the same, the precise time to cause the maximum distraction from the events going on at the Capitol.

Can you show this video that we have, please? I'd like to know if the Director has seen this.

[Video played.]

This is somebody with a mask on wearing a hat. They're walking in front of the DNC, which is out of the view on the righthand side. We'll see them come into view. He goes to one police car. He goes to another police car. He's holding a backpack. He's got a mask on. He's talking to the police. Within a minute, they start scrambling. You'll see the camera turn to the pipe bomb, the location of the pipe bomb.

By the way, that's, I believe, the Metro Police are now getting out of their car, and that's Vice President-Elect detail in the black SUV, I believe, parked about 30 feet from the pipe bomb, eating lunch.

OK. Now, we go over to the location of the pipe bomb. The cameras are scrambling. It appears to me that's not a coincidence; that the person with the backpack who walked by that bench, and then, went up to the police and the detail didn't do that accidentally. They had a purpose in mind. Then, what transpired after that was the result of information that person gave to them.

If that person found the pipe bomb, would they be a suspect?

Mr. WRAY. Well, again, I don't want to speculate about specific individuals. I will tell you that we have done thousands of interviews; reviewed something like 40,000 video files, of which this is one; assessed 500-something tips; reviewed the devices—

Mr. MASSIE. Have you interviewed that person?

Mr. WRAY. We have conducted all logical investigative steps and interviewed all logical individuals at this point.

Mr. MASSIE. Then, you need—it's 900 days—

Mr. WRAY. We're continuing—

Mr. MASSIE. You need to tell us what you found because we're finding stuff you haven't released into the public.

Mr. WRAY. Well—

Mr. MASSIE. In my remaining minute, I want to turn to another issue. George Hill, former FBI Supervisory Intelligence Analyst in the Boston field office, told us that the Bank of America, with no legal process, gave to the FBI gun purchase records with no geographical boundaries for anybody that was a Bank of America customer. Is that true?

Mr. WRAY. Well, what I do know is that a number of business community partners all the time, including financial institutions, share information with us about possible criminal activity. My understanding is that's fully lawful.

Mr. MASSIE. Did you—

Mr. WRAY. In this specific instance—

Mr. MASSIE. Did you ask for that information?

Mr. WRAY. In the specific instance that you're asking about, my understanding is that this information was shared with field offices for information only, but, then, recalled to avoid even the appearance of any kind of overreach. My understanding is that's a fully lawful process.

Mr. MASSIE. Was there a warrant involved?

Mr. WRAY. Again, my understanding is that the institution in question shared information with us, as happens all the time by—

Mr. MASSIE. Did you request the information?

Mr. WRAY. I can't speak to the specifics.

Mr. MASSIE. OK. Well, we've got an email where it says the FBI did give the search queries to Bank of America, and Bank of America responded to the FBI and gave over this information without a search warrant.

Do you believe there's any limitation on your ability to obtain gun purchase data or purchase information for people, for people who aren't suspects from banks without a warrant?

Mr. WRAY. Well, now you're asking a legal question, which I would prefer to defer to the lawyers, since I'm not practicing as one right now, including the Department. What I will tell you is that my understanding is that the process by which we receive information from business community partners across a wide variety of industries, including financial institutions sharing information with us about possible criminal activity, is something that is fully lawful under current Federal law.

Mr. MASSIE. It may be lawful, but it's not constitutional.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentlelady from California is recognized for five minutes.

Ms. LOFGREN. Thank you, Mr. Chair.

Thank you, Director Wray, for being here.

I think it's actually sad that the majority is engaging in conspiracy theories and efforts to try and discredit one of the premier law enforcement agencies in the United States in the effort to try—without really any evidence—make the case that the FBI is somehow opposed to conservative views.

In my view, actually, I'm concerned that the FBI has been reluctant to do its job when it comes to the former President.

I would like to ask unanimous consent to put in the record an article from *The Washington Post*, "FBI Resisted Opening Probe into Trump's Role in January 6th for More Than a Year."

Chair JORDAN. Without objection.

Ms. LOFGREN. Director Wray, would you disagree with the premise of this article that the FBI delayed in looking at Mr. Trump himself? The January 6th Committee—and I was a Member—did find that the ex-President was the center of a wide-ranging conspiracy to overturn the election. Did the FBI start to look right after January 6th at the ex-President?

Mr. WRAY. I'm sorry, I just lost the last part of your question.

Ms. LOFGREN. Did the FBI start looking at the ex-President's role on January 6th starting January 7th or closely to that time?

Mr. WRAY. Well, let me start with, I'm not in the business of kind of commenting or engaging on the truth or falsity of newspaper articles. In this particular instance, as I'm sure you can appreciate, there is an ongoing, very important, ongoing Special Counsel investigation that's now in court.

Ms. LOFGREN. OK.

Mr. WRAY. So, not only do I not want to talk about the ongoing investigation—

Ms. LOFGREN. Well, I respect—

Mr. WRAY. —but the internal deliberations related to it are even more sensitive.

Ms. LOFGREN. I respect that you cannot discuss ongoing investigations.

Let me turn to another item. There's been criticism, and the Ranking Member went through the scenario leading up to the warrant for the documents at Mar-a-Lago, but I'd like to ask unanimous consent to put an article from *The Washington Post*, "Show-down Before the Raid: FBI Agents and Prosecutors Argued Over Trump."

Chair JORDAN. Without objection.

Ms. LOFGREN. It's pretty clear from this article that there was a resistance on the part of the FBI to actually look at the President or pursue that case vigorously. Although you can't comment on it, the article does suggest that FBI agents want to just close the case because the ex-President made an assertion that a search had been made.

Now, we had Mr. D'Antuono in as a witness, and he testified four times that the Mar-a-Lago search had adequate probable cause. Do you agree with that statement?

Mr. WRAY. That the search had probable cause?

Ms. LOFGREN. Correct.

Mr. WRAY. Yes.

Ms. LOFGREN. Thank you.

So, you don't have any dispute that there was probable cause for this warrant? I just want to say, before going to my next question, that over and over again the FBI delayed and showed unprecedented caution before investigating the ex-President, even when there was a potential threat to national security. That's my view. That's very far from the assertion that there was unfair targeting. Let me ask—

Mr. WRAY. Can I just, on that point, if I may, while I can't discuss any specific investigation, my expectation for all our investigations, repeatedly communicated to all our people—and this is especially important in sensitive investigations—is that our folks take great pains to be rigorous, professional, objective, following all our policies and procedures, and do the work in the right way. Sometimes that's frustrating to others.

Ms. LOFGREN. My time is almost up. I want to ask you another question.

In the Senate hearing, in response to Senator Wyden's question of whether the FBI is currently purchasing Americans' location data, you indicated that it was limited to data derived from internet advertising. It's since been reported that the FBI has admitted it bought U.S. location data. Is the FBI purchasing location data from commercial sources without a warrant?

Mr. WRAY. This is an area that requires a little more precision and context for me to be able to answer that fully. So, let me have my staff follow back up with you, so that I make sure that I don't leave something important out.

Ms. LOFGREN. I'll just close with the FBI had 3.4 million backdoor searches of the FISA data base without a warrant in 2021. Can you say whether the FBI is continuing to search the FISA data base without a warrant for Americans?

Mr. WRAY. Well, if you're asking about our use of 702 queries—

Ms. LOFGREN. I am.

Mr. WRAY. —there is no warrant requirement under the Fourth Amendment for those queries. It's fairly well settled. The 3.4 million figure that you're talking about, I guess I would say a couple of things. First, that's not 3.4 million people; that's 3.4 million search terms or query terms. Second, those are not queries in violation of rules. Those are just queries under the procedures—

Ms. LOFGREN. My time has expired, but the Committee—

Chair JORDAN. The gentlelady's time has expired.

Ms. LOFGREN. —will look into the warrant requirement later in the process.

Chair JORDAN. We sure will. We sure will.

The gentleman from Florida is recognized.

Mr. GAETZ. The American people need to understand what just happened. My Democratic colleague just asked the Director of the FBI whether or not they are buying information about our fellow Americans, and the answer is, "Well, we'll just have to get back to you on that." It sounds really complicated.

I have other questions.

I'm sitting here with my father. I will make certain between the man sitting next to me and every person he knows and my ability to forever hold

a grudge that you will regret not following my direction. I am sitting here waiting for the call with my father.

It sounds like a shakedown, doesn't it, Director?

Mr. WRAY. I'm not going to get into commenting on that.

Mr. GAETZ. Well, you seem deeply uncurious about it, don't you? Almost suspiciously uncurious. Are you protecting the Bidens?

Mr. WRAY. Absolutely not. The FBI does not and has no interest in protecting anyone politically.

Mr. GAETZ. Well, you won't answer the question.

Hold on. You won't answer the question about whether that's a shakedown, and everybody knows why you won't answer it. Because to the millions of people who will see this, they know it is. Your inability to acknowledge that is deeply revealing about you.

Let's go from the uncurious to the downright nose. How many illegal FISA queries have occurred under your leadership of the FBI?

Mr. WRAY. Well, there are reports that have come out with different numbers about compliance incidents.

Mr. GAETZ. More than a million illegal ones? Because that's what the Inspector General said. The Inspector General said that, "in the 3.4 million of these queries, more than a million in error." Do you have any basis to disagree with that, that assessment by the Inspector General?

Mr. WRAY. I'm not sure, actually, that's a correct characterization of the Inspector General's findings on that, but—

Mr. GAETZ. Oh, well, the internet will remind you of that in moments.

Mr. WRAY. But I—

Mr. GAETZ. Let's now go to what the Court said. The Court said it was over 200,000 that have occurred on your watch. Do you have any basis to disagree with that assessment?

Mr. WRAY. Again, I don't have the numbers, as I sit here right now. What I can tell you—

Mr. GAETZ. It seems like a number you should know—how many times the FBI is breaking the law under your watch, especially if it's like over a million. To not know that number—and I'm worried about your veracity on the subject as well.

Play the video.

[Video played.]

So, there, Senator Lee is asking you whether or not FISA was in any way involved in your January 6th investigation, and you say no. Was that truthful?

Mr. WRAY. I said that I did not believe it was.

Mr. GAETZ. OK. So, now, let's pull up what the Court said, which is something a little different than what you said.

So here—no, that's not the right one. Yes, here we go, right there, it says,

The government has reported additional significant violations of the querying standard, including several relating to the January 6, 2021, breach of the Capitol.

So, I guess the question, Director Wray, is, did you not know, when you were answering these questions, that the FBI was engaging in these illegal searches, or did you perjure yourself to Senator Lee?

Mr. WRAY. I certainly didn't perjure myself. At the time that I testified in front of the Senate Judiciary Committee, I didn't have that piece of information. I will add—

Mr. GAETZ. Well, that was a Court order. You didn't have that piece of information because the Court hadn't yet rendered a judgment. Did you not know, when you gave the untruthful answer before Senator Lee, that this was going on?

Mr. WRAY. It was a truthful answer. I did not believe FISA had been involved in the January 6th investigation.

Mr. GAETZ. It was. So, you didn't—the answer is, the FBI has broken so bad, that people can go and engage in queries that, when you come before the Congress to answer questions, you're like blissfully ignorant—you're blissfully ignorant as to the unlawful queries. You're blissfully ignorant as to the Biden shakedown regime. It just seems like it gets into kind of a creepy place as well.

Go to our next image on what the Court said.

Just to the American people realize, the Court has smacked you down alleging—or ruling, "FBI personnel apparently conducted queries for improper personal reasons." People were looking themselves up. They were looking their ex-lovers up. Who has been held accountable or fired as a consequence of the FBI using the FISA process as their, like, creepy, personal snoop machine?

Mr. WRAY. There have been instances in which individuals have had disciplinary action and they are no longer with the—

Mr. GAETZ. Name them.

Mr. WRAY. I can't get into it here, but we can follow back up with you.

Mr. GAETZ. Don't you see that's kind of the thing, Director Wray, that you preside over the FBI that has the lowest level of trust in the FBI's history? People trusted the FBI more when J. Edgar Hoover was running the place than when you are. The reason is because you don't give straight answers. You give answers that later a court deems aren't true, and then, at the end of the day, you won't criticize an obvious shakedown when it's directly in front of us. It appears as though you're whitewashing the conduct of corrupt people.

Mr. WRAY. Respectfully, Congressman, in your home State of Florida, the number of people applying to come work for us and devote their lives working for us is over, up over 100 percent since I—

Mr. GAETZ. We're deeply proud of them and they deserve better than you.

Chair JORDAN. The time of the gentleman has expired.

The gentleman from Tennessee is recognized for five minutes.

Mr. COHEN. Thank you, Mr. Chair.

Director Wray, thank you for continuing to serve with all these attempts to sully your name and suggest you've committed crimes, when you've done an excellent job as FBI Director. I don't agree with everything you've done, but mostly I do, and I think the FBI is a premier law enforcement agency, and I support law enforcement. To attack the FBI is to attack law enforcement in general.

A few days after Mar-a-Lago, there was some individual who went after the Cincinnati headquarters of the FBI. Can you tell us a little bit about that and how you think that came about?

Mr. WRAY. So, the incident that you're asking about was, obviously, deeply disturbing. We had an individual wearing a tactical vest, armed with an AR-style rifle and a nail gun, who attempted to forcibly enter and attack our Cincinnati field office.

A subsequent review of the subject's devices and online postings identified a pretty striking anti-FBI, anti-Federal law enforcement hostility. He was calling on others to kill Federal law enforcement, claiming that he felt he was a, in his words, "civil war."

It's, unfortunately, part of a broader phenomenon that we have seen, not just against the FBI—and this is important to add—but against law enforcement all across the country, not just against law enforcement professionals themselves, which is appalling enough, but calling for attacks against their families, which is truly despicable.

Mr. COHEN. That man eventually was captured and eliminated, was he not?

Mr. WRAY. Yes.

Mr. COHEN. A few days later, was the Arizona FBI Department the subject of armed violence—or not violence, but armed protestors?

Mr. WRAY. Well, I know that our Phoenix field office has had a number of very concerning security incidents where people attempted to attack or breach the facility. I can't remember the dates of when that happened, but—

Mr. COHEN. All this has happened kind of in the same sphere. It's been information that's been put out on social media and just in general, and by Members of the Congress, questioning the FBI, questioning law enforcement in general. This has had a deleterious effect on the safety of FBI officials, and you said others like Justice.

The was a story the other day, I believe, about people involved in the prosecution of the former President and threats to them, DOJ personnel, as well as FBI. Is that something that's going on presently? Are there efforts to have a unit at the FBI maybe look into how to protect and defend law enforcement personnel who are threatened with violence?

Mr. WRAY. We did stand up a whole dedicated unit to focus on threats to FBI individuals, FBI employees and FBI facilities, because of the uptick that we saw over that time period.

Mr. COHEN. The January 6th, was beyond a weaponization of government; it was a nuclearization of government against the government. I believe I heard that you said that you didn't have any prior notice or reason to believe that there would be such an event on January 6th. Is that correct?

Mr. WRAY. We did not, to my knowledge at least, have prior knowledge of an attempt, a violent overthrow of and breach of the Capitol Building itself. Certainly, we were concerned about and put out a number of products, intelligence products, to partners and others warning of the potential for violence more generally on that date.

Mr. COHEN. So, there have been—I think Tucker Carlson and some of the Members, colleagues on the other side of the aisle, have said that Ray Epps was a secret government agent helping

encourage this crime, so as to make the President look bad. Do you have any knowledge of Ray Epps being a secret government agent?

Mr. WRAY. No. I will say this notion that somehow the violence at the Capitol on January 6th was part of some operation orchestrated by FBI sources and agents is ludicrous and it's a disservice to our brave, hardworking, dedicated men and women.

Mr. COHEN. Director, I agree with you. I think the FBI has some of the most talented law enforcement people in our Nation and in the world. They are concerned about safety. They tend to, as I understand, lean Republican, but they do their job down the line. That's what they're supposed to do.

I'm happy we have the FBI operating in Memphis and other places to work with our police departments and joint units to protect our citizens, and I thank you for your service to the United States.

I yield back my time.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized.

Mr. ISSA. Thank you.

Director, I'm going to followup on my colleague from Memphis. How many individuals who were either FBI employees or people that the FBI had made contact with were in the January 6th entry of the Capitol and surrounding area?

Mr. WRAY. So, I really need to be careful here talking about where we have or have not used confidential human sources.

Mr. ISSA. Was there one or more individuals that would fit that description on January 6th that were in or around the Capitol?

Mr. WRAY. I believe there is a filing in one of the January 6th cases that can provide a little more information about this, and I'm happy to see if we can follow back up with you to provide that.

Mr. ISSA. I just want an answer. Was there one or more? I mean you would know if there was at least one individual who worked for the FBI who entered the Capitol on that day.

Mr. WRAY. I can't—again I just can't speak to that here, but I'm happy to get the Court filing that—

Mr. ISSA. Look, it has been two years and you now come before us. The gentleman asked these questions, makes all kinds of insinuations, and you nod your head yes. Then I ask you simply was there one or more and you won't answer that. So, I am going to make the assumption that there was more than one, more than five, more than 10, and that you are ducking the question because you don't want to answer for the fact that you had at least one and somehow missed understanding that some of the individuals were very dangerous and that there were others inciting individuals to enter the Capitol after others broke windows.

So, I am just going to move on because I think it is time to move on past January 6th. I just—seems that the other side won't.

You are near-cabinet-level individual. You enjoy a term in Senate confirmation. You feel comfortable speaking to other Members, either cabinet-level or subcabinet-level when appropriate to resolve problems within the government?

Mr. WRAY. Absolutely.

Mr. ISSA. OK. So, when the FBI censored the U.S. Government you wouldn't have to just take it down by calling Meta or Google, would you?

Mr. WRAY. I'm sorry. I'm not sure I'm following the question.

Mr. ISSA. Are you familiar with the official verified Russian language account of the United States Department of State that was taken down at your agency's request?

Mr. WRAY. That doesn't ring a bell as I sit here right now, no.

Mr. ISSA. OK. Well, now you have something to take back and look at—

Mr. WRAY. OK.

Mr. ISSA. —because in fact in this bundle that SBU constantly was submitting to various agencies was, in fact, a Russian language statement of the government. Literally, you took down the free speech of the Department of State.

Mr. WRAY. So—

Mr. ISSA. Yes, go ahead.

Mr. WRAY. —you mentioned SBU. I'm not sure we're talking about the same thing, but I will endeavor to provide a little more context, as least as to SBU.

Mr. ISSA. Yes.

Mr. WRAY. So, I believe what you may be referring to, but I'm not sure we're not talking about the same thing, is that when Russia invaded Ukraine the security service of Ukraine, SBU, which is a longstanding good partner of the FBI, asked us for help on a whole range of things. One of those things was to contact U.S. companies on their behalf because the Russians—the invasion had cut-off Ukraine's communications.

So, we did pass through information from the SBU to social media.

Mr. ISSA. Are you also familiar with the fact that President Zelensky has had to clean house at the SBU?

Mr. WRAY. I know there have been a number of personnel changes.

Mr. ISSA. OK. Well, we will followup with this in more detail.

The question I have for you is you are the premier law enforcement operation, and you are a former Department of Justice high-ranking executive at all levels, so would you agree that the job of the FBI is criminal investigation?

Mr. WRAY. It is criminal investigation and to protect the country from national security threats, those two things.

Mr. ISSA. OK. So, the idea that you take information, and you have it taken down, use your authority and the leverage you have to have Meta, Google, Facebook; Facebook being Meta, or Twitter—take down people's information on things like where COVID came from, where do you find the national security interest in that? Where do you find the interest in free speech of American citizens being taken down? I repeat, free speech of American citizens. Where do you have that authority?

Mr. WRAY. So, we don't ask social media companies to censor information or suppress information when it comes to national security threats, certainly. So, what we do is alert them when some other intelligence agency gives us information about a foreign intelligence service being behind some account, we will call social media

companies' attention to that. At the end of the day, we're very clear that it's up to the social media companies to decide whether to do something about it or not—

Mr. ISSA. The suggestion of the most powerful law enforcement operation is not a suggestion. It is in fact effectively an order.

Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Georgia is recognized.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair. We are here today because MAGA Republicans will do anything to protect Donald Trump, their savior, no matter how unfounded or dangerous it may be to do so. Welcome to the legislative arm of the Trump reelection campaign.

A grand jury found probable cause that among other crimes Trump illegally kept highly sensitive national security documents, which put our country and our sources in danger if they got out and which photographs show Trump kept those records in bathrooms, showers, closets, and in the Mar-a-Lago ballroom. MAGA Republicans are afraid that the justice system might hold Trump accountable for his actions so to protect him Republicans are trying to intimidate FBI officials. In case that does not work, Republicans are trying their hardest to discredit the FBI in the eyes of the American public.

When Trump lost in 2020, they tried to make Americans distrust their election systems. Now that the FBI and the Justice Department have sought to hold Trump to the same standard any other American citizen would be held to, MAGA Republicans are telling Americans not to trust the FBI. To protect Trump Republicans are trying to distract us from the real work that the FBI does every day, which is fighting violent criminals, child predators, and fighting domestic terrorists and extremists so as to protect our democracy and our national security. Even worse, MAGA Republicans are stirring up threats that pose a danger to the safety of FBI employees. It is past time that Republicans realize the consequences of their words and put the good of this country over politics.

Now, Director Wray, I want to thank you for your service during a time of unprecedented travail. Director Wray, you were a partner in an international law firm before you took a drastic pay cut to accept the job of FBI Director, isn't that correct?

Mr. WRAY. Yes, that's something my wife reminds me of from time to time.

[Laughter.]

Mr. JOHNSON of Georgia. Let me ask you this, sir: You took this office after Trump fired the former FBI Director Jim Comey, correct?

Mr. WRAY. Yes, sir.

Mr. JOHNSON of Georgia. Did you contact the Trump Administration to offer yourself for this job or did the administration recruit you for the job?

Mr. WRAY. They contacted me and asked me if I would be willing to consider taking on the role.

Mr. JOHNSON of Georgia. So, Trump handpicked you to be the FBI Director?

Mr. WRAY. Yes.

Mr. JOHNSON of Georgia. He expected you to do what he wanted you to do, correct?

Mr. WRAY. Well, that I can't speak to. I can tell you the same thing I told him which is that I'm going to do this job by the book.

Mr. JOHNSON of Georgia. Well, I'll put it like this: He's unhappy with you now, isn't he?

Mr. WRAY. I'll let him speak for himself.

Mr. JOHNSON of Georgia. Well, I think a lot of his acolytes here reflect his intent at this particular time.

Director Wray, are you aware that MAGA Republicans have repeatedly called for the FBI to be defunded?

Mr. WRAY. I have heard some of that language.

Mr. JOHNSON of Georgia. In fact, Republicans on this very Committee have said that your institution should be dismantled, isn't that correct?

Mr. WRAY. Well, I think certain Members have.

Mr. JOHNSON of Georgia. One Member even tweeted, quote, "Defund and dismantle the FBI." Another told *Fox News* that, quote, "Republicans should defund the bureaucracy." A third told the press that he thinks the FBI, quote, "needs to be split up and moved out into pieces." Those are direct quotes and only a small sample of what is out there.

Can you briefly describe for us what the effect would be on our national security and on our domestic tranquility if the FBI were to be defunded or dismantled?

Mr. WRAY. Well, certainly it would be disastrous for 38,000 hard-working career law enforcement professionals and their families, but more importantly in many ways it would hurt our great State and local law enforcement partners who depend on us every day to work with them on a whole slew of challenging threats. It would hurt the American people, neighborhoods, and communities across the country, the people we're protecting from cartels, violent criminals, gang members, predators, foreign and domestic terrorists, and cyber attacks. I could go on and on.

The people it would help would be those same violent gangs and cartels, foreign terrorists, Chinese spies, hackers, and so forth.

Mr. JOHNSON of Georgia. Member—

Chair JORDAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Colorado for five minutes.

Mr. BUCK. I thank the Chair.

Director Wray, thank you. Thank you for your work with the FBI and thank you for your history of work in law enforcement. You started out as an AUSA. I am getting this information from Wikipedia, the great font of knowledge in the digital age, so I'm assuming that it is true. You started out as an AUSA. You were nominated by Republican President Bush for the position of Assistant Attorney General in the Criminal Division at the Department of Justice, and you were confirmed by a Republican Senate, if I am correct in that.

Mr. WRAY. Yes, by a unanimous voice vote.

Mr. BUCK. You were then nominated by Republican President Donald Trump to be the FBI Director and again confirmed by the Republican Senate for that position?

Mr. WRAY. Yes, I think there were only five votes against me, and they were all from Democrats.

Mr. BUCK. According to Wikipedia you are still a registered Republican, and I hope you don't change your party affiliation after this hearing is over. I want to thank you. I want to thank you for leading an agency, as you mentioned in your opening statement, that protects Americans from foreign terrorists, an agency that protects Americans from spies from China and Russia, cybercrime, public corruption, organized crime, drug cartels, human traffickers, and white-collar criminals. I want to thank you and the FBI for protecting law-abiding Americans from the evil that exists all around us.

Director Wray, you know this, but it is worth mentioning again anyway. The FBI doesn't protect America because this is a beautiful country. It doesn't protect America just because of the citizens who live in this country. You and the FBI protect America because of the values that we hold, because of our constitutional republic, because this is a special place. The rest of the world knows just how special this place is.

Director Wray, I am concerned about FISA. I am not concerned about FISA in a partisan way, and, frankly, I am not in favor of defunding the FBI, nor am I in favor of splitting up the FBI, nor am I in favor of using the Holman rule for the FBI Director. I am concerned about FISA because I am concerned about what makes this place special and the threats to us. I would love to work with the FBI on how we can protect Americans at the same time protecting the civil liberties of Americans. That area of FISA is what really concerns me.

I know you have gone to great lengths to try to work with FBI agents on how they access information under 702, and I know that at times it has been successful and at times it has not been successful. The spirit of FISA and the spirit of our constitutional republic really demands that the FBI culture shift and it shifts to a place where FBI agents understand that protecting Americans' civil liberties, that protecting the privacy that we all enjoy in this country and even though we screw up, we still enjoy this privacy. In court we have the highest burden of proof the world has ever known, to prove a case beyond a reasonable doubt. That information has to be gathered by the government in a legal way.

So, I fear that we are going to overcorrect on FISA in Congress. That we are going to take away some tools that are necessary because there is a trust factor here that is missing. I would love to know how we can draw that line in a way that assures the civil liberties.

I agree with my colleague from California, and I don't often agree with folks from California, but I agree with my colleague from California that it is essential that we do not get geolocation information from what I consider criminals at big tech and that we protect that information for Americans. You as a law enforcement official should not know where I am necessarily unless you have probable cause to get that information.

I am also concerned about the ability of law enforcement, and particularly the FBI, to access information. When I go on the internet, and I search for a gun vault, or I search for a holster I don't

want the government to know that I own a gun. I think I have that privacy right to make sure the government doesn't know that I own a gun, or any other information that I search for on the internet unless you have got probable cause to make that search.

So, I want to ask you a question with my few seconds, and that is how can you work on the culture in the FBI and help us reach that sweet spot on FISA?

Mr. WRAY. Well, thank you for that. Certainly, we start it with first principles, try to drive home every day to our entire workforce that our mission is to both protect the American people and uphold the Constitution. We have on the issue of FISA clearly had failures in the past. I've been very plain about that. We've implemented a whole series of reforms.

If you look at the reports that have started to come out now from the FISA Court, ODNI, the Justice Department, and from others who have looked at the effect of your reforms, over and over again they are showing significant improvement in compliance. We're talking about the most recent FISA Court opinion finding 98 percent compliance and commending us for moving in the right direction. A DOJ report found 99 percent compliance. Our internal audit found a 14-percent jump up to 96 percent. These are all separate reports looking at the impact of our reforms.

A lot of the public commentary about our failures—and let's be clear, we have had problems. Those problems are unacceptable, and I am determined with my leadership team to fix them. Those problems almost entirely predate those reforms, even though some of them have just come out recently.

So, we're going to keep working at this. That is not a one-and-done from my perspective. I recognize that we need to work with the Congress on this issue, but this is an incredibly important tool. As you know from your own public service—

Chair JORDAN. The time of the—

Mr. WRAY. —as a prosecutor as well, this is an incredibly important tool to protect the American people from very serious foreign threats.

Chair JORDAN. The time of the gentleman is expired.

The gentleman from California is recognized.

Mr. SCHIFF. Thank you, Mr. Director. I want to pick up where Mr. Buck began as well by thanking you for your service. I am glad that we have an opportunity for one Democrat, one Republican in close succession to thank you for your service to the country.

You are being attacked and vilified by some of the Members of this Committee and others outside this Committee because the Justice Department, the FBI has had the audacity to investigate serious allegations of criminal conduct by a former President. I just want a chance to recap how we got to where we are.

During the last administration and for four years the Justice Department took the position, not unprecedented for the department, that a former President could not be—a current President could not be indicted. Now, I think that is a flawed matter as a constitutional principle, but nonetheless that was the view of the Office of Legal Counsel and the Justice Department during the Trump years that the President of the United States could not be indicted.

My Republican colleagues seem to believe that a former President similarly cannot be indicted. That would effectively make a President above the law, beyond the reach of the law. In my view, there would probably be only one thing the Founders would find more politically precarious and dangerous to our Constitution than the indictment of a President or former President, and that is the failure to indict a President or former President when they have engaged in criminal conduct.

The Justice Department, I believe, as Representative Lofgren, my fellow Member of the January 6th Committee, asserted, took a very long time to begin the investigation of Donald Trump and his involvement in January 6th. I believe it began with urgency when it came to the foot soldiers who broke into the Capitol and assaulted police officers that day, but at least what I can tell from the public record the activities of the President himself, some of which were a matter very much of public record such as his tape-recorded conversation with the Secretary of State in Georgia in which he badgered the Secretary to, quote, “find 11,780 votes that don’t exist,” while that was the subject of investigation by the local District Attorney in Fulton County, it did not appear to be the subject of investigation for more than a year by the Justice Department. To me that is inexplicable. This was never the kind of case in which you could roll up the foot soldiers on the higher-ups because there were multiple lines of effort in this plot to overturn the election.

I do think that the appointment of the Special Counsel has accelerated the investigation of the former President’s misconduct and I think that is a positive step for the department and for the country so we can get resolution to this.

Likewise, with Mar-a-Lago, notwithstanding the protests of my colleagues, they were repeated, repeated requests by the Archives to get those documents back from the former President. Then when those were unsuccessful, there was a Grand Jury subpoena that was administered. When that was unsuccessful and only when that was unsuccessful and there was evidence that the former President was still withholding highly classified materials, did the FBI go to the step of a search warrant. That was more than a 1½ years after those initial requests. This was anything but a rush to judgment in the Mar-a-Lago case.

So, I believe the department if anything has exercised enormous caution, I would say too much caution, in the June 6th Commission—Committee’s work and oversight to proceed against a former President when there are serious and credible allegations of criminal conduct.

I want to thank you for your stewardship during this incredibly difficult time. I don’t think there has been a more difficult time for an FBI Director. Notwithstanding concerns I have expressed none of them go to your integrity or your commitment to the country and I want to thank you for that.

Let me ask you about a different topic, although related to January 6th as well. Let me ask you broadly about domestic violent extremism. I offered an amendment in this Committee, voted down by the Republicans, that we should oversee the increasingly dire threat of domestic violent extremism. One of your recent reports

underscored the rise of this prevalent threat and I would ask you if you would address it today.

Mr. WRAY. So, the rise of domestic violent extremism is something that I and we have been identifying for quite some time. It goes back well before January 6th. In fact, a lot of people don't know this, but the Joint Terrorism Task Forces that we hear about so often at the FBI were largely created in response to domestic terrorism, not foreign terrorism.

In my first few years, as Director we were identifying this issue more and more and that's why we elevated in the Summer of 2019 racially motivated violent extremism to a national threat priority level. We saw I think about a 40-percent increase in the number of domestic violent extremism investigations all before anything to do with January 6th. Obviously since then it has continued.

Domestic violent extremism cuts across the spectrum from the racially motivated violent extremism, militia violent extremism, anarchist violent extremism, environmental violent extremism, and, of course, recently, we've had a lot of violent extremism attacks against prolife facilities. We're investigating those.

So, it really covers a wide spectrum. What they all have in common is three things: Violence or threats of violence motivated by some ideology. It varies in violation of Federal criminal law. That's the domestic violent extremism that I'm talking about when I've identified this phenomenon.

Mr. SCHIFF. Mr. Chair, could I request unanimous consent to enter into the record two letters, both from David Weiss, the Trump-appointed U.S. Attorney in Delaware, rebutting allegations concerning partiality in the investigation of the Hunter Biden case?

Chair JORDAN. Without objection.

Mr. SCHIFF. I thank you.

Thank you, director.

Chair JORDAN. Without objection.

Director, what is the difference between a traditional Catholic and a radical traditional Catholic?

Mr. WRAY. I'm not an expert on the Catholic orders.

Chair JORDAN. Well, your FBI wrote a memo talking about radical traditional Catholics. I am just wondering if you can define it for us.

Mr. WRAY. Well, what I can tell you is you're referring to the Richmond Product, which was a single product by a single field office, which as soon as I found out about it, I was aghast and ordered it withdrawn and removed from FBI systems.

Chair JORDAN. You were aghast? Then why won't you let us talk to the people that put it together?

Mr. WRAY. We are working on finishing an internal review into what happen there.

Chair JORDAN. We have to wait; we the Congress and the American people have to wait until you do an internal review—it is not a criminal investigation going on here—an internal review before we can talk to the people who wrote this?

Mr. WRAY. When we finish our internal review, which will be very soon, we will come back before the Committee and provide a briefing on what we found. Then we can—

Chair JORDAN. Any idea how many Catholics in America?

Well, we appreciate the briefing, but we want to talk to the people who wrote it.

Mr. WRAY. Then we can—

Chair JORDAN. Any idea how many Catholics are in America, director?

Mr. WRAY. No, sir.

Chair JORDAN. There are a lot, over 60 million. What percentage of those are radical traditional Catholics according to the Richmond Field Office of the FBI?

Mr. WRAY. Again, that product is not something that I will defend or excuse. It's something that I thought was appalling and removed it.

Chair JORDAN. Let's read from that product. Page 4 of that product—by the way, the copy you gave us—when can we get a copy that doesn't have all these redactions on it, so we can actually see what the American taxpayers were paying for, to see their rights, their First Amendment religious liberty rights attacked? Let me just read from page 4.

Provide new opportunities to mitigate extremist threat through outreach to traditional Catholic parishes and the development of sources with the placement and access to report on places of worship.

That is pretty fancy language for they are trying to put informants in the parish, in the church. That is what this memorandum said, Director, from one of your field offices. You won't let us talk to the people who did it. Any response to that?

Mr. WRAY. I didn't know—I was waiting for the question.

Chair JORDAN. No, you think priests should be informants inside the church, Director?

Mr. WRAY. We do not recruit, open, or operate confidential human sources to infiltrate, target, report on religious organizations.

Chair JORDAN. That's not what this said.

It sounds like you were trying to do it in Richmond, Virginia.

Mr. WRAY. No, sir. No, sir.

Chair JORDAN. You weren't?

Mr. WRAY. That's—

Chair JORDAN. This didn't happen? You can assure us that this didn't happen?

Mr. WRAY. That product did not, as best as we can tell, result in any investigative action as a result of it. None.

Chair JORDAN. You know what the motivation for this was? Why would they even think about doing this? You know what the motivation was?

Mr. WRAY. Well again, I think that's what our internal review will find, and I'd rather wait until I hear what the results of that internal review are.

Chair JORDAN. Well, I don't need an internal review. I can read the document. I assume you can do the same. Because it says right there on the same page,

Richmond assesses extremist interest in radical traditional Catholics is likely to increase over the next 12–24 months in the run-up to the next general election.

Same paragraph,

Events in which extremists and radical traditional Catholics might have common cause include legislation, judicial decisions in such areas as abortion rights, immigration, affirmative action, LGBTs, immigration, affirmative active, and LGBTQ protections.

It is politics. That is the motivation. In the run-up to the next election. They talk about the border, affirmative action, and abortion rights. It is total politics. I think it is interesting that affirmative—we just got a decision from a bunch of Catholics who sit on the U.S. Supreme Court relative to affirmative action. Politics was the total motivation here. That is what is scary. That is what I think is so frightening and why we—how this happens I don't know.

Five people signed off on it. Five people including the Chief Division Counsel at the Richmond Field Office. I would like to talk to this lawyer. A lot of people in this room went to law school. You had a course on the Constitution. Talks about the First Amendment. I find that really scary.

Again, when do you think we are going to have a chance? How soon you going to complete this internal investigation so we can talk to these folks who put this together?

Mr. WRAY. I expect us to be able to brief the Committee on our internal review later this summer.

Chair JORDAN. Will that briefing include the names of the individuals who put this document together attacking Americans' First Amendment liberty?

Mr. WRAY. I'm not sure yet what it will include because it's not done yet, but when it is, we'll provide you with an appropriate briefing.

Chair JORDAN. What are you doing to fix it, so this doesn't happen again?

Mr. WRAY. Well, we've already started putting place a number of fixes, and those will be further informed by the results of the review.

Chair JORDAN. What are those fixes? More training, more things, that is the same thing you told us on FISA. While you may have some improvement, you still got 204,000 times the data base was illegally searched. So, what are the training and procedures you are putting in place?

Mr. WRAY. Well, I'll put the FISA stuff to the side, although if you have time I can engage in that.

Chair JORDAN. Well, I am just using that as an example of where you have told the same thing, you fix something, and you haven't.

Mr. WRAY. I do not believe the number that you just invoked on the FISA side is since the reforms. The fixes, as you called them—

Chair JORDAN. Can we get an unredacted—

Mr. WRAY. —post-date the numbers that you're referring to.

Chair JORDAN. Director, can we get an unredacted copy—while you are still doing this internal investigation can we at least get an un-redacted copy of this memorandum?

Mr. WRAY. I will find out if there's more of the document that can be shared with you. We've tried to be very careful in what we redact and there's always a basis for it. So, let me go back and see if there's more that we can provide. I know my instructions are to be as sparing as possible in the redactions that we provide.

Chair JORDAN. The gentleman from California is recognized.

Mr. SWALWELL. Director, I think it is quite rich that the guy that has accused you of lawlessness and weaponization is 400 days into violation of his own Congressional Subpoena over January 6th. Quite rich to me that you are hearing all these allegations from somebody who won't even respond to a lawful subpoena.

I want to talk more about your workforce because that is where you started. A couple weeks ago at the bureau you had Family Day. Can you tell us what Family Day is?

Mr. WRAY. Family Day is an opportunity for employees from really all over the FBI. It tends to be primarily from the nearby geographies because of the trip that they have to make, employees to bring their families into FBI headquarters so that they can see a little bit about the place their loved ones work and why mom or dad is spending so much time away from home—

Mr. SWALWELL. Do you see any little kids at Family Day?

Mr. WRAY. Many, many, many. It is an opportunity for us to say thank you to the families. We talked a lot in law enforcement about sacrifice. The reality is that law enforcement officers and professionals are sacrificing to do what they love. Our families are sacrificing because of who they love.

Mr. SWALWELL. What would you say in your experience is the No. 1 worry of a little kid about a mom or dad who is a special agent out in the field?

Mr. WRAY. Obviously, they are worried that their mom or dad won't go home at night because they have been killed. That, in fact, has happened unfortunately all too—

Mr. SWALWELL. It happened in Fort Lauderdale a couple years ago. Is that right?

Mr. WRAY. Laura Schwartzenberger and Dan Alfin, two of our agents, killed in a connection with a child exploitation case down there. It was the single darkest day I have had in this job.

Mr. SWALWELL. I want to turn your attention to an organization called Marco Polo. It is run by a former Trump aide named Garrett Ziegler.

Over the past couple weeks, he has doxed the addresses of a former Special Agent connected to the Hunter Biden case. He has put up the dates of births and pictures of two current special agents who work for you. He has said the name, which I will not say, of an Assistant U.S. Attorney who worked on the Hunter Biden case, that she will answer for her crimes. He will focus everything on her. Justice will be done. It is out of my hands. She will answer.

Do these types of threats and doxing concern you about threats to your workforce and what it could mean?

Mr. WRAY. Well, obviously, what we are most concerned about are the actual acts of violence, which themselves have happened and as we just discussed. This kind of phenomenon, doxing, is itself hugely problematic because the more information, personal information about law enforcement professionals that are out in the internet, the more people who may be unstable or inclined to violence that are out there who can choose to act on it. We are seeing that all too often.

The number of officers across law enforcement killed in the line of duty has been up alarmingly over the last few years. I know that because one of the things I committed to doing early in my tenure was every time an officer, anywhere in the country, is shot and killed in the line of duty, I was going to personally call that sheriff or that chief and on behalf of the FBI express our support and condolences and relay that to the family. I have done that now close to 400 times since I have been in this job.

Mr. SWALWELL. Thank you for doing that. You not only do that, but you also send your SACs, your special agents in charge, to their funerals as well. I have seen that.

Chair, I have counted in this hearing, and we are only about an 1½ hours, the use of the word laptop about 20 times. In fact, in the Chair's opening statement, he said that he is upset that he believes the FBI prevented more Americans from learning about a private citizen's laptop. That is bananas to me. You all are bringing up FISA every single question. You are essentially saying to the American people that you are guardians of personal security and privacy. The 2020 election was determined—

Mr. JOHNSON of Louisiana. Would the gentleman yield?

Mr. SWALWELL. —because the FBI, no, because the FBI didn't let more Americans see a private citizen's nonconsensual nudes. Is that what we are saying here; that you lost the election not because of your ideas, but because a private citizen's laptop wasn't out there?

Mr. JOHNSON of Louisiana. Do you want an answer? Will you yield?

Will you yield?

Mr. SWALWELL. That's bananas. Like you should be a party of ideas not a party of nonconsensual nudes to help you win an election.

Mr. JOHNSON of Louisiana. Will you yield for an answer?

Mr. SWALWELL. It seems like that is what the objection is here today. We should be talking about the mass shootings that occurred over the last 10 days. Instead, this hearing has turned into absolute chaos.

I yield back.

Chair JORDAN. The time of the gentleman has expired.

We bring up FISA because it is up for reauthorization, if the gentleman didn't know, at the end of this year. It was in our witness's opening statement. I didn't bring up the laptop—

Mr. SWALWELL. Whose time are you speaking to, Chair?

Chair JORDAN. The judge last—

Mr. SWALWELL. Point of order. Whose time are you—

Mr. NADLER. Chair, point of order. Whose time are you speaking on?

Chair JORDAN. I am speaking on, not a point of order.

I recognize the gentleman from Arizona.

Mr. BIGGS. Thanks, Mr. Chair.

Director, thanks for being here. Who is Matthew Graves? Who is Matthew Graves?

Mr. WRAY. I believe Matthew Graves, at least the person I am thinking of, is I think the U.S. Attorney in the District of Columbia.

Mr. BIGGS. That is the person I am thinking of, too. Are you aware that he has promised more than 1,000 more individuals will be charged or indicted related to January 6th?

Mr. WRAY. I had not heard that he had said that.

Mr. BIGGS. Well, it seems arbitrary. There are reports that it is kind of a quasi-quota system that he has put together for January 6th prosecutions. Do you approve of targets, goals, quotas in prosecuting alleged criminal conduct?

Mr. WRAY. Well, certainly not quotas. That doesn't make any sense. I mean, goals are a little bit more of an ambiguous term.

Mr. BIGGS. Certainly not quotas.

Mr. WRAY. Certainly not quotas.

Mr. BIGGS. Do you know if any of your personnel at the FBI is involved in the investigations promised that will lead to indictments by the January 6th quota established by U.S. Attorney Graves?

Mr. WRAY. That doesn't sound familiar to me.

Mr. BIGGS. OK. In June 2021, you told this Committee that a small group of people at the U.S. Capitol on January 6th had "all sorts of weapons." Do you remember being here for that Committee hearing and testifying that way?

Mr. WRAY. In general, yes.

Mr. BIGGS. It has been reported that more than 40 FBI personnel, agents, or contractors were in the crowd on January 6th. Is that number accurate?

Mr. WRAY. I don't know if that number is accurate.

Mr. BIGGS. Former Capitol Police Chief Steven Sund reportedly has asserted that the protest crowd was filled with Federal agents. Are you aware of his assertion?

Mr. WRAY. I am not.

Mr. BIGGS. Would you agree with him that it was filled with Federal agents on January 6th?

Mr. WRAY. I would really have to see more closely exactly what he said and get the full context to be able to evaluate it.

Mr. BIGGS. How many agents were actually, agents or human resources were present at the Capitol complex and vicinity on January 6th?

Mr. WRAY. Well, again, it is going to get confusing because it depends on when we deployed and responded to the breach that occurred. Obviously, there were—

Mr. BIGGS. How many were—

Mr. WRAY. —Federal agents—

Mr. BIGGS. Sure, yes, you are talking—and you and I both know we are talking different things here. Please don't distract here, because we are focusing on that those who were there in an undercover capacity on January 6th. How many were there?

Mr. WRAY. Again, I am not sure that I can give you that number as I sit here. I am not sure there were undercover agents on scene.

Mr. BIGGS. I find that kind of a remarkable statement, Director. At this point, you don't know whether there were undercover Federal agents, FBI agents, in the crowd or in the Capitol on January 6th?

Mr. WRAY. I say that because I want to be very careful. There have been a number of court filings related to some of these topics. I want to make sure that I stick within what is in—

Mr. BIGGS. I understand that. I just, I thought I heard you say you didn't know whether there were FBI agents or informants or human sources in the Capitol or in the vicinity on January 6th. Did I misunderstand you? I thought that is what you said.

Mr. WRAY. Well, I referred very specifically to undercover agents.

Mr. BIGGS. Yes. So, are you acknowledging then there were undercover agents?

Mr. WRAY. As I sit here right now, I do not believe there were undercover agents on scene—

Mr. BIGGS. Or any assets?

Mr. WRAY. —FBI agents.

Mr. BIGGS. Did you have any assets present that day in the crowd?

Mr. WRAY. When it comes to what you are calling assets or what we would call confidential human sources, that is a place where, again, I want to be careful, much as I said in response to an earlier question. There are court filings that I think speak to this that I am happy to make sure we get to you, assuming they are not under seal. That can better answer the question than I can as I sit here right now.

Mr. BIGGS. In the same, or excuse me, June 2021 Committee hearing you told us that,

The FISA Court approved FBI procedures, minimization procedures, collection and procedures, courting procedures, did not find misconduct.

That is what you said. Specifically, you said the FISC found no misconduct.

Yet, three months later the Inspector General found widespread problems in FBI's FISA applications, raising serious questions about the FBI review process of applications, including hundreds of examples of noncompliance with Woods Procedures, for example. We know that from December 2020–November 2021 the FBI conducted 3.4 million warrantless searches of U.S. data under FISA, 3.4 million, up nearly triple the amount of the previous year. It got worse as you were telling us there was nothing to worry about.

Now, your reforms have produced about, reduced it down to 119,000, over 200,000 total, but 119,000 discrete Americans. That just doesn't seem like you have accomplished much there if you have 119,000 illegal searches and queries under FISA.

I will yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized.

Mr. LIEU. Thank you, Mr. Chair.

The House Judiciary Committee is responsible for helping to ensure the rule of law. Unfortunately, this Chair ignored a bipartisan Congressional subpoena served on him. The actions of this Chair have undermined the credibility of all Congressional Committees in seeking information from witnesses and have undermined the rule of law.

Now, Director Wray, thank you for your public service and for the service of the brave FBI agents. I am going to ask you a series

of basic questions to get facts out to the American people about our system of justice.

Trump advisor Roger Stone was convicted in a Federal Court, correct?

Mr. WRAY. That is my recollection.

Mr. LIEU. All right. Trump donor Elliott Broidy was convicted in a Federal Court, correct?

Mr. WRAY. Also, my recollection.

Mr. LIEU. The Attorney General at the time for those two convictions was Bill Barr. Which President nominated Bill Barr for Attorney General?

Mr. WRAY. President Trump.

Mr. LIEU. OK. Trump's former lawyer Michael Cohen was convicted on two separate occasions in a Federal Court, correct?

Mr. WRAY. I believe that is correct.

Mr. LIEU. The Attorney General at the time for Cohen's second conviction was Matthew Whitaker. Which President appointed Matthew Whitaker as Acting Attorney General?

Mr. WRAY. President Trump.

Mr. LIEU. OK. Trump's former Campaign Chair Paul Manafort was convicted in a Federal Court, correct?

Mr. WRAY. Yes.

Mr. LIEU. Trump's former Deputy Campaign Manager Mr. Gates was convicted in a Federal Court, correct?

Mr. WRAY. That is my recollection.

Mr. LIEU. Trump's campaign Foreign Policy Adviser George Papadopoulos was convicted in a Federal Court, correct?

Mr. WRAY. Yes, I think he, yes, he pled guilty, yes.

Mr. LIEU. The Attorney General at the time of those three cases was Jeff Sessions. Which President nominated Jeff Sessions for Attorney General?

Mr. WRAY. President Trump.

Mr. LIEU. OK. You were their FBI Director for all those cases at the time. Which President nominated you?

Mr. WRAY. President Trump.

Mr. LIEU. OK. What these facts show is we don't have a two-tiered system of justice. We have one Department of Justice that goes after criminals regardless of party ideology.

All these folks were convicted under the administrations of three separate Republican Attorneys General. It is not the fault of the FBI that Donald Trump surrounded himself with criminals. Donald Trump brought that on himself. Thank you to the FBI for exposing the cesspool of corruption of these Trump associates.

Now, I would like to talk about efforts by MAGA Republicans to defund the FBI. I think it would be useful for the FBI to explain to the American people what your missions are and how critical they are, so, again, a series of basic questions. The FBI's mission includes counterterrorism, correct?

Mr. WRAY. Yes.

Mr. LIEU. OK. That means the FBI works to stop terrorist attacks on American soil, right?

Mr. WRAY. Yes.

Mr. LIEU. OK. The FBI's mission also includes counterintelligence, correct?

Mr. WRAY. Yes.

Mr. LIEU. That means the FBI works to stop espionage of American companies and organizations. Is that right?

Mr. WRAY. Yes.

Mr. LIEU. OK. The FBI's mission includes stopping cybercrime, right?

Mr. WRAY. Correct.

Mr. LIEU. The FBI's mission includes stopping public corruption, right?

Mr. WRAY. Correct.

Mr. LIEU. The FBI's mission includes stopping weapons of mass destruction from being detonated on American soil, right?

Mr. WRAY. Yes, we work with others on it, but yes.

Mr. LIEU. The FBI's mission includes going after organized crime, right?

Mr. WRAY. Yes.

Mr. LIEU. You go after violent crime, correct?

Mr. WRAY. Yes.

Mr. LIEU. You also go after White collar crime, right?

Mr. WRAY. Yes.

Mr. LIEU. The FBI's mission also includes going after child sex trafficking, correct?

Mr. WRAY. Yes.

Mr. LIEU. OK. Republican Members of their caucus, including Members on this Committee, have asked to defund the FBI. One Member on this Committee from Arizona wrote that the FBI "should be defunded and dismantled." What would happen if the FBI was defunded and dismantled?

Mr. WRAY. We would have hundreds more violent criminals out on the street, dozens more violent gangs terrorizing communities, hundreds more child predators on the loose, hundreds more kids left at those predators' mercy instead of being rescued, scores of threats from the Chinese Communist Party being left unaddressed, hundreds of ransomware attacks left unmitigated, terrorist attacks, both jihadist inspired and domestic violent extremists, not prevented that would succeed against Americans.

Single seizures of fentanyl, it is not uncommon right now for a single FBI office in a single operation to seize enough fentanyl to wipe out an entire State. So many, many, many, many more of those lethal doses would be sweeping the country. We have close to 400 I think it is, somewhere between 300–400 investigations into the leadership of the cartels trafficking that fentanyl. So, you would have a significantly greater threat from the southwest border from the cartels. So, those are just a few things that would happen.

Ultimately, the people most hurt by some ill-conceived effort to defund our agency, the people most hurt are the American people that live in every district represented on this Committee.

Mr. LIEU. Thank you, Director Wray and the FBI agents, for protecting Americans.

Chair JORDAN. The time of the gentleman has expired.

The gentleman from California, Mr. Kiley, is recognized.

Mr. KILEY. Good morning, Director Wray. I would like to take you back to 2021. In many parts of the country, schools remained

closed month after month for no good reason. Once schools did nominally open, many instituted draconian testing and quarantine regimes, such as one student is possibly exposed to COVID, everyone goes home for the week. Children as young as toddlers were subjected to harmful mask mandates that defied international norms.

The way some students were treated truly shocks the conscience. Just consider a few examples from my own State of California. A school district in Davis sent an email to parents announcing that their children will be required to eat outside in the rain to reduce exposure to COVID. A school in Sonoma County made young children chew with their masks on, explaining this was to minimize the time spent unmasked. Some schools in Los Angeles limited students to one bathroom break per day and barred them from drinking water outside of the lunch period. A school in the San Ramon Valley made students eat lunch on the ground.

In October of that year, the American Academy of Pediatrics would declare a National State of Emergency in children's mental health, citing dramatic increases in emergency department visits for all mental health emergencies, including suspected suicide attempts.

In the face of this, Director, the Biden Administration decided to take action. It mobilized the sweeping powers of Federal law enforcement. It wasn't to spare kids from such cruelty. Rather, it was to target the parents who were speaking out against it.

The administration coordinated with the National School Board Association on a letter that began with the alarming claim America's public schools and its education leaders are under an immediate threat. The letter cited a handful of news stories, almost all which involved purely expressive activity by parents at school board meetings, and called such activity a form of domestic terrorism. The letter called for the full counterterrorism and law enforcement powers of the Federal government, including authority granted under the PATRIOT Act, to be mobilized to investigate, intercept, and prevent such activity.

The Biden Administration was ready to take this letter and run with it the moment it was received. After all, administration officials had participated in its drafting. Within five days of receiving it, Attorney General Merrick Garland fired off his infamous memo directing Federal action in response to a "disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff." In response, the FBI opened 25 assessments against parents and even created a new threat tag.

Director Wray, did Attorney General Garland consult with you or the FBI before issuing that memorandum?

Mr. WRAY. I can't get into discussions that did or maybe more importantly did not happen between the FBI and the Department in advance of the—

Mr. KILEY. Why do you say more importantly did not?

Mr. WRAY. Well, because I will say to you the same thing that I said to all 56 of our field offices as soon as I read the memo, which is that the FBI is not in the business of investigating or po-

licing speech at school board meetings or anywhere else for that matter, and we are not going to start now.

Now, violence, threats of violence, that is a different matter. We are going to work with our—

Mr. KILEY. Right. So, that is what the memo was predicated on. What I am asking you, was there any evidence that you provided to Attorney General Garland that supported that premise that there was an increase in harassment and threats of violence?

Mr. WRAY. I am not aware of any such evidence. I know that we have had a number of our folks who have been up here for transcribed interviews. So, unless some of them shared it, I am not aware of any—

Mr. KILEY. Well, actually what they have shared with us points to just the opposite. You had, for example, a letter from Christopher Dunham, Acting Assistant Director, in March of this year where the FBI acknowledged that it has not observed an uptick of threats directed at school officials since it began tracking the data. Does that sound accurate to you?

Mr. WRAY. Yes, sir.

Mr. KILEY. Is it also true that according to the FBI itself none of the school board related investigations have resulted in Federal arrests or charges?

Mr. WRAY. I think that is correct. I think of the 25, and for context that is 25—

Mr. KILEY. I am sorry. I have limited time. So,—

Mr. WRAY. Yes.

Mr. KILEY. —if that is correct, I would like to move on.

This Committee's investigation concluded that the Justice Department's own documents demonstrated there was no compelling nationwide law enforcement justification for the Attorney General's directive. Do you have any reason to dispute that conclusion?

Mr. WRAY. No.

Mr. KILEY. So, we had an investigation of parents. We had a sweeping mobilization of Federal power against the most protected core First Amendment activity, the right of citizens to speak and petition, on the most important of issues, the education of their children. You are telling me that the entire basis for that, there was no evidence to support it.

Mr. WRAY. Well, I want to be clear. We, the FBI, as I said, were not and did not investigate people for exercising their—

Mr. KILEY. Should Attorney General Garland rescind the memo?

Mr. WRAY. I am sorry?

Mr. KILEY. Should Attorney General Garland rescind that memo?

Mr. WRAY. Oh, that is a question for the Attorney General.

Mr. KILEY. Do you believe he should?

Mr. WRAY. Again, that is a question for the Attorney General.

Mr. KILEY. Do you believe that the Attorney General should apologize to parents who were the subject of that memorandum?

Mr. WRAY. I am not going to speak to that.

Mr. KILEY. Will you apologize for the FBI's own role?

Mr. WRAY. I think the FBI conducted itself the way it should here, which is that we have continued to follow our longstanding rules and have not changed anything in response to that memo.

Chair JORDAN. The time of the gentleman has expired.

The Chair recognizes the gentlelady from Washington.

Ms. JAYAPAL. Thank you, Mr. Chair.

Director Wray, thank you so much for being with us. Thank you for your service to the country.

I do want to focus on some areas of concern around American's civil liberties that I have had longstanding concerns about. In testimony to Senate Intelligence in March, you stated that the FBI had previously purchased commercial data base information that includes location data derived from internet advertising, but that to your knowledge the FBI does not currently purchase data.

Just last month the ODNI declassified a report revealing that the FBI and other agencies do purchase significant amounts of commercially available information about Americans from data brokers. The report notes that commercially available information:

... has increasingly important risks and implications for U.S. persons' privacy and civil liberties as commercially available information can reveal sensitive and intimate information about individuals.

It is public information that the FBI uses Babel Street and Venntel, and has a Lexus account. All these companies provide data for purchase. Can you tell me how the FBI uses that data?

Mr. WRAY. Respectfully, this is a topic that gets very involved to explain. So, what I would prefer to do is have our subject matter experts come back up and brief you, and they can answer your questions in detail about it, because there is a lot of confusion that can be unintentionally caused about this topic.

Ms. JAYAPAL. Does the FBI purchase data?

Mr. WRAY. My testimony that you referred to before remains the same. The story about the ODNI report doesn't change that. Again, there is a lot of precision and technical dimensions to this.

Ms. JAYAPAL. Well, I do appreciate that. I am looking at a report that is from the Office of the Director of National Intelligence saying that the FBI purchases data.

Mr. WRAY. I understand that.

Ms. JAYAPAL. Mr. Chair, I ask unanimous consent to enter this into the record.

Chair JORDAN. Without objection.

Ms. JAYAPAL. Do you know if the contracts with data brokers like the ones I described provide location data?

Mr. WRAY. My testimony about purchasing commercial data base information that includes location data derived from internet advertising remains the same, which is that we currently do not do that.

Ms. JAYAPAL. The information that you have that has already been purchased, does it contain location—

Mr. WRAY. Again, I am not trying to be obtuse or difficult here. I just know from experience that the more you drill into this whole issue of commercial data, geolocation data, et cetera, that it gets very involved, in some cases involves pilot projects that are in the past. In some cases, it involves national security information, et cetera.

Ms. JAYAPAL. Director Wray, I do understand that you are—

Mr. WRAY. So, I just want to make sure that we get you the information that you need.

Ms. JAYAPAL. OK. That is great. I will take that. I do want to say that this is just an extremely important issue for the American people to understand how their data is being used. That is location data. That is biometric information. It is medical and mental health information. It is information related to individuals' communications. It is information about people's internet activity. While I understand that this is complicated, that is the reason that you come before us, so that the American people can hear this.

Let me ask you this. Does the FBI have a written policy outlining how it can purchase and use commercially available information?

Mr. WRAY. There are a number of policies that bear on this topic. Again, that could be part of the same briefing that we are happy to provide. I don't dispute at all that this is an important topic. I am simply saying that precisely because it is such an important topic that a minute and 12 seconds counting down is not the best way—

Ms. JAYAPAL. No, I understand that.

Mr. WRAY. That's all.

Ms. JAYAPAL. I am asking whether there is a policy. It sounds like there is a policy. When was that policy last updated?

Mr. WRAY. That I can't, as I sit here right now, I don't have the answer for you on that. Again, there a number of policies that are relevant to this. So that may affect the—

Ms. JAYAPAL. You will commit to providing those to us so that we can explore them—

Mr. WRAY. I will commit to providing you a briefing that will provide hopefully very helpful information to help you understand better this whole topic.

Ms. JAYAPAL. What about a written policy governing how commercially available information can be used in criminal investigations?

Mr. WRAY. I think it is all wrapped up in the same answer I just gave.

Ms. JAYAPAL. The reason that this is so important is because the question is whether the FBI uses that data to generate leads for investigations only or further along in the investigative process.

There is public reporting on DHS contracts with the same data brokers that I mentioned earlier totaling millions of taxpayer dollars. As you know in the 2018 Supreme Court decision in *Carpenter v. The United States*, the Court held that it is a violation of the Fourth Amendment for the government to access historical location data without a warrant.

Does the FBI have a written policy interpreting the Supreme Court's decision in *Carpenter*?

Mr. WRAY. If I recall correctly, there was guidance, I can't remember if it is a policy or what, that came out after the *Carpenter* decision. Again, I think that will be encompassed in the briefing that we are talking—

Ms. JAYAPAL. Well, I am going to followup with you. I want to thank you again for your service. This is a critically important issue for the American people to understand.

We have bipartisan support around FISA reauthorization and the concerns we have around FISA reauthorization. Unless we real-

ly understand what measures the FBI is taking to ensure that people's privacy is protected, I think it is going to be a very difficult reauthorization process. I am sure you know that. Thank you, Director Wray.

I yield back.

Chair JORDAN. The gentlelady yields back. I would just say well said. I appreciate your work with colleagues and bipartisan approach in this area. You have friends over here who want to help you on that.

We now go to the gentleman from—I know, Director Wray. If we can go just a couple more, then we will take a little break, if that works for the Director. A couple more on each side, then we can take a break.

[Off mic comments.]

Chair JORDAN. OK. All right. We will go. I think Mr. Moore is up.

Mr. MOORE. Thank you, Mr. Chair.

Director Wray, thank you for being here today. In 2022, you testified before the Senate Judiciary Committee and stated, "I condemn in the strongest possible terms any prospect of retaliation against whistleblowers." Do you still agree with that statement?

Mr. WRAY. Yes.

Mr. MOORE. Do you feel that your actions as the FBI leadership during your tenure live up to that sentiment?

Mr. WRAY. Yes.

Mr. MOORE. Director Wray, a few months ago we heard from—are you familiar with a Special Agent Garret O'Boyle?

Mr. WRAY. I am familiar with the name.

Mr. MOORE. After Mr. O'Boyle came to Congress and blew the whistle on the misconduct at the Bureau, his clearance was unsurprisingly suspended. Did that surprise you? Do you find that suspicious?

Mr. WRAY. I can't discuss a specific security clearance matter, partly because the security clearance determinations are made by ODN directive, by the security clearance manager, which is not the FBI Director. I don't want to insert myself into the process while appeals are pending, for example.

Mr. MOORE. Well, as a leader, I think it is important. We need to have the opportunity, and you know by law that they have the opportunity to be whistleblowers and talk to Congress and inform us on issues. I think to restore trust in the FBI, it is imperative on you to allow whistleblowers to come forward and for us to have the oversight we need to have to make sure.

We are seeing the polling numbers. The FBI is tanking. It is under your watch, sir. It concerns me for the American people. When I am in the district, the No. 1 concern, and I come from a fairly rural district, is weaponization of the FBI and the DOJ, coming after conservative American citizens who just simply want to have a voice in the process.

So, I would encourage you—Mr. O'Boyle, I understand he has been suspended since September 2023, almost 10 months now. In 2022, he was suspended in 2022. So, almost a year now the man is trying to go without a paycheck. I don't know. Could you make it 10 months without a paycheck, Mr. Wray?

Mr. WRAY. I prefer not to answer that.

Mr. MOORE. Well, you talk about your wife not being really happy, yes, taking a pay cut. Well, can you imagine 10 months later, and you are still going through a process for just a whistleblower coming to the Congress and trying to inform us on issues he sees within the FBI?

I think we could help you in the process if you would allow us. In some ways, we have to look at this whistleblower and other whistleblowers and encourage them to come forward and be truthful with the American people.

Two real quick questions. Why would the FBI offer Christopher Steele a million dollars to verify a dossier about Trump Russian collusion and then the same FBI offer \$3 million to Twitter to squash a story on the Hunter Biden laptop? Do you have any idea why a law enforcement agency would be playing into elections?

Mr. WRAY. Well, you raised a number of different issues there. So, first, as to the Steele dossier, that, of course, is a subject treated at great lengths in the Durham Report, which we, and again, predates my time as director in which we—

Mr. MOORE. I understand that.

It was the same agency paying a million dollars to push one story out or try to collaborate one story and \$3 million to quiet another story for political opponents. I don't quite understand.

Mr. WRAY. Then I would, as to the second part related to Twitter, I would disagree with your characterization respectfully. When there are payments to social media companies, that is by a long-standing Federal law going back, I think, about four decades where we have to pay companies for their costs in responding to a legal process. It is not just social media companies. It is other kinds of businesses as well.

Mr. MOORE. Well, when those stories get out, and you understand certainly the dossier story, and I know that wasn't under your watch, but also the Hunter Biden laptop story, that to me looks political. To the American people, it looks political. I am just an everyday guy. I am not an attorney, Mr. Wray, just an everyday guy. To me, it looks extremely political. That is why you are having trouble keeping the FBI's reputation afloat.

So, with that, Mr. Chair, I am going to yield the balance of my time. I want to enter one thing to the record, Mr. Chair.

Chair JORDAN. Can you do that after and just yield? Then we will enter it into the record after.

Mr. MOORE. Sure, sure.

Chair JORDAN. Director Wray, did the FBI ask financial institutions to turn over their customers—he yielded the time to me. Did the FBI ask financial institutions to turn over their customers' debit and credit card purchase history in the Washington, DC, area for January 5–6, 2021?

Mr. WRAY. I don't know the answer to that as I sit here right now.

Chair JORDAN. Well, we do, because Bank of America gave this email from the FBI to Bank of America.

Mr. WRAY. Well, I am aware that Bank of America provided information to the FBI. What communications occurred between the FBI and Bank of America about it—

Chair JORDAN. Well, let's read it.

To recap our morning call, we are prepared to action the following threshold, customers transacting debit card, credit card, Washington, DC, purchases between January 5–6, 2021.

That is scary enough. Then the next bullet point is even more scary. "ANY HISTORICAL," capital letters, all capitals, "ANY HISTORICAL PURCHASE OF A FIREARM." You guys asked financial, at least Bank of America, we think more. Did you guys ask them?

Mr. WRAY. Again, I don't have the full sequence of the back and forth. You have got one. It looks like you have one email that I haven't seen before here. So, I don't know that I have the full exchange that—

Chair JORDAN. Well, does this email trouble you as much as it does Members of the Judiciary Committee, that the FBI is asking for every single—we had Members of Congress here that week, first time they are getting sworn in as a new Member of Congress, their family in town. You are sweeping. They may happen to be a customer of Bank of America. You are sweeping up every debit and credit card purchase of their family who are in town that week because their husband or their dad or their mom is getting sworn in as a new Member of Congress? Then you are also saying overlaying that information with did you, did this person buy a firearm?

Mr. WRAY. The question is?

Chair JORDAN. I am just nervous about that. Are you nervous about that?

Mr. WRAY. As I think I have testified before, my understanding is that our engagement with Bank of America was fully lawful, but that we recalled the leads that were cut to—

Chair JORDAN. Well, if it is lawful, that was my next point. If it is lawful, why did you say we are not going to use these leads? That is what Mr. Jensen testified to when we deposed him, the Director of the Terrorism Unit at the FBI. That is what he testified to. Why did you not use the leads if it was lawful to get the information?

Mr. WRAY. Well, there are—

Mr. NADLER. The Chair is one minute and 18 seconds over time.

Mr. WRAY. Sir, there are plenty of times where there are things that we lawfully can do, but that we decide is better that we not do.

Chair JORDAN. Yes.

Mr. WRAY. I think that is what happened—

Chair JORDAN. The idea that Mr. Massie said earlier. This is lawful, that you can ask this is scary. This is something else we are going to have to change.

With that, I would yield to the gentlelady from, recognize the gentlelady from, excuse me, well, we got a unanimous consent request from Mr. Moore?

Mr. MOORE. Mr. Chair, yes, the *Wall Street Journal* article I would like to enter into the record says, "Republicans eye sweet home for new FBI headquarters in Alabama."

Chair JORDAN. All right. Without objection.

The Chair now recognizes the gentlelady from Texas for five minutes. Then we will take a break, Director.

Ms. JACKSON LEE. Good afternoon. Thank you very much, Director Wray, for your presence here. Thank you to the men and women of the FBI, in particular, for the work that you have done on gun violence and as well the work that you have done in keeping Americans safe.

Let me very quickly move on some issues that have been made a chief part of the work of our friends on the other side of the aisle. Republican Members of this Committee have spent much time of this Congress claiming that various aspects of the U.S. Government have been weaponized against the American people.

Director Wray, are you or your staff or auxiliaries weaponizing the FBI against the American people?

Mr. WRAY. Absolutely not.

Ms. JACKSON LEE. Thank you very much. Let me thank you as well for your civil rights work and emphasize that, in addition, there have been representations that the FBI exaggerates domestic terrorism reports or data. Certainly, January 6th had its many different storytellers. That was an act of domestic terrorism. I don't know how you could have exaggerated that, as evidenced by the Special Congressional Committee we had.

Let's just think of domestic terrorism as it relates to the good men and women of our law enforcement. Take an example in February 2020 in Texas where a White supremacist was engaged in conspiracy involving swatting, a harassment tactic, and all of the emergency services showed up over and over again. Does domestic terrorism impact negatively and dangerously on America's law enforcement and first responders?

Mr. WRAY. Absolutely. Sometimes law enforcement are themselves the intended victims or targets of domestic violent extremism.

Ms. JACKSON LEE. Though you have good, committed individuals, does the—critique is legitimate. That is our job. Does the constant condemnation impact the morale of FBI personnel or those trying to join the FBI?

Mr. WRAY. Well, look, our people are human beings, and nobody likes to see the organization they have dedicated their careers, really their lives, to unfairly criticized. I will tell you, as I said in my opening statement, that the good news is our people are also tough and resilient. Our attrition is in the low single digits and would be the envy of almost any employer. Our recruiting, unlike what is happening in law enforcement more generally—

Ms. JACKSON LEE. Great news.

Mr. WRAY. —is actually up very significantly.

Ms. JACKSON LEE. Thank you. I look forward to it being diverse.

Let me start with our whistleblower journey here. Are you familiar with FBI special agents Kyle Seraphin?

Mr. WRAY. I am familiar with the name.

Ms. JACKSON LEE. Is that yes?

Mr. WRAY. I am familiar with the name.

Ms. JACKSON LEE. Yep. The Committee heard testimony that Mr. Seraphin was suspended after he mishandled his service weapon and then said he wanted to use two female FBI executives as shooting targets. That was testimony of Jennifer Moore, HR, under, human resources under oath from the FBI.

Mr. Seraphin describes himself as a Congressional whistleblower. Committee Republicans will not tell us whether he has been in contact with them. Are you familiar with former FBI agents Garret O'Boyle and Marcus Allen?

Mr. WRAY. Again, I am familiar with the names.

Ms. JACKSON LEE. Thank you. O'Boyle was suspended for accessing information about an ongoing case and then leaking to the press. Allen was suspended for interfering in an investigation of a January 6th suspect. Both Allen and O'Boyle testified before the Weaponization Committee in May. Were you aware of that?

Mr. WRAY. Yes, ma'am.

Ms. JACKSON LEE. I think they are clearly there for all friends and family to see. I assume they wanted to be seen.

Do you know who Kash Patel is, if you know?

Mr. WRAY. Yes, I know who he is.

Ms. JACKSON LEE. He is an aide to President Trump, isn't he, or was an aide or is an aide to President Trump?

Mr. WRAY. Well, he was an individual who served in a number of different roles, both up here on the Hill and in the Executive Branch.

Ms. JACKSON LEE. Thank you. Here is another picture. It is the checks that Seraphin sent to both O'Boyle and Allen. Each check was for \$255,194. Let me say that again. These men were paid \$255,194 after they testified as so-called whistleblowers. It should be noted that it says here, as it says, for holding the line.

Director, at the time that Seraphin and Patel gave Garret O'Boyle and Marcus Allen these checks, do you happen to know if they were still employees of the FBI?

Mr. WRAY. I can't speak to that. I don't know the answer.

Ms. JACKSON LEE. If they were, 5 CFR 2635, and I would appreciate it if we can get an answer in writing after you go back, whether they were or not, prohibits FBI employees from accepting cash gifts, doesn't it?

Mr. WRAY. Well, there are a whole number of rules that would apply to this. Again, I don't want to weigh in on a specific personnel matter.

Ms. JACKSON LEE. If they were, that rule applies about cash gifts.

Mr. WRAY. I am not aware of a situation in which they could—

Ms. JACKSON LEE. No, but just—

Mr. WRAY. —appropriately accept cash gift.

Ms. JACKSON LEE. Just generally—

Mr. WRAY. Oh.

Ms. JACKSON LEE. —if that applies to FBI agents about not taking cash gifts. Is that correct?

Mr. WRAY. There are definitely rules that apply to special agents accepting cash gifts.

Ms. JACKSON LEE. Thank you. Let me just finish this. Can you explain why an FBI agent should not receive cash?

Let me move to one that I think is extremely important. Mr. Chair, just a moment. Here is what I think is the most interesting piece of this whole puzzle. O'Boyle and Allen are represented by an outfit called Empower Oversight.

Chair JORDAN. Time has expired.

Ms. JACKSON LEE. Empower Oversight is run by former Republicans staffers. Do you know who else Empower Oversight might represent in any way?

Mr. WRAY. I do not.

Mr. JOHNSON of Louisiana. Mr. Chair, I have a unanimous consent request.

Ms. JACKSON LEE. Let me just—

Mr. JOHNSON of Louisiana. The gentlelady's time has expired.

[Off mic comments.]

Ms. JACKSON LEE. Thank you so very much. Thank you. The so-called IRS whistleblower who Jim Jordan had relied on. Does anyone need any further proof that these allegations are ginned up, corrupt political stunts advanced by those who don't want to see us follow the law.

Finally, Mr. Chair, here is another person who wants to join you on the 702. The FBI has begun major reforms. I think we should recognize that. You have been very kind. I yield back my time.

Chair JORDAN. The gentlelady yields back.

I would just point out my guess is they got the money because, they wanted the money because they had to try to, they were trying to feed their family.

Mr. JOHNSON of Louisiana. They actually haven't received the money.

I have a unanimous consent request, Mr. Chair, of a tweet Matthew Foldi put out here during this hearing. Right off the bat Jerry Nadler lies about whistleblower getting \$250,000. He says here Marcus Allen has not received \$250,000. He has not received or cashed the check that Kyle Seraphin posted online. Enter that into the record.

Chair JORDAN. Into the record.

The Committee will take a five-minute recess, five minutes and then we will come back.

[Recess]

Chair JORDAN. The Committee will come back to order. The Chair now recognizes the gentleman from Virginia, Mr. Cline.

Mr. CLINE. Thank you, Mr. Chair.

Director Wray, thank you for being here. Since we last spoke in Appropriations on April 27, and Special Counsel John Durham delivered his report detailing intelligence activities investigations arising out of the 2016 Presidential Campaign.

When Mr. Durham presented here at the Committee, I asked him these questions. He was able to answer me in yes-or-no answers. I would ask you to do the same.

Did the FBI have an adequate basis on which to launch Crossfire Hurricane?

Mr. WRAY. My understanding is that Mr. Durham found that it did not have a proper basis to elevate it to a full investigation, but that he thought it was an assessment or a preliminary inquiry was appropriate.

Mr. CLINE. Did the FBI fail to examine all available exculpatory evidence?

Mr. WRAY. Well, you say to examine it? Certainly, I think there are failures, significant failures with respect to exculpatory information.

Mr. CLINE. Did the FBI interview all key witnesses in Crossfire Hurricane?

Mr. WRAY. I think Mr. Durham I think found that they did not.

Mr. CLINE. Did the FBI abuse its authority under the Foreign Intelligence Surveillance Act?

Mr. WRAY. Well, certainly, there were violations that were totally unacceptable and in my view cannot be allowed to happen again.

Mr. CLINE. As noted in the report, Crossfire Hurricane investigators had hoped the returns on the Carter Page FISA application would “self-corroborate.” Do FBI or DOJ guidelines permit investigators to submit uncorroborated allegations in a FISA application in the hopes that the returns will self-corroborate?

Mr. WRAY. I have never heard of that concept.

Mr. CLINE. OK. Is Crossfire Hurricane the only time the FBI has violated the procedures for the FISA process?

Mr. WRAY. Well, there are a lot of different procedures, but certainly not the only compliance incidence that we have had with respect to FISA.

Mr. CLINE. Director, as I expressed to you upstairs, the American people are outraged. Just this week I had at a townhall, constituents expressing outrage about the actions of those within your agency who have damaged the FBI’s reputation and undermined the work, the good work, of the vast majority of hardworking men and women within your agency.

Going down the list, you have the Biden family investigations, you have the anti-Catholic memo. By the way, you mentioned five individuals who contributed to the anti-Catholic memo in the Richmond Field Office. Are they still employed by the FBI?

Mr. WRAY. I don’t think I mentioned any specific individuals. I did say that this was a product by a single field office that we took action on immediately. We have an inspection that is underway right now that is looking at how this happened and how we make sure it doesn’t happen again.

Mr. CLINE. So, it is possible that individuals will be fired as a result of your review.

Mr. WRAY. Well, I don’t want to predetermine or forecast where the review will go. We are going to look at everything from exactly how it happened and what went wrong, and then—

Mr. CLINE. It is possible—

Mr. WRAY. If there are appropriate steps to be taken, we will take whatever the appropriate steps are.

Mr. CLINE. OK. You have the violence against pro-life clinics, you have the investigation of parents speaking at school board meetings, you have the collusion with Big Tech. The FISA abuses of Section 702 is where I want to focus right now.

As you know, Section 702 authorizes warrantless surveillance that is supposed to be targeted toward foreigners abroad, but the surveillance sweeps in a large amount of Americans’ communications, and the FBI routinely runs searches of Section 702 data looking for phone calls, emails, and text messages of Americans in so-called back-door searches.

Depending on the year, FBI has conducted anywhere from 3.4 million in 2021 to 200,000 in 2022. Given this fact, do you honestly

think it is fair to continue describing Section 702 as authority targeted only at foreigners abroad?

Mr. WRAY. I do.

Mr. CLINE. It looks like a framework that enables the FBI to spy on countless Americans. Would you agree with that assessment?

Mr. WRAY. Well, I can't speak to what it looks like to certain people. I can tell you that it is an authority focused on foreigners overseas in the context of national security investigations.

I would add to that the FBI's piece of that, the FBI only accesses—so everything we are talking about FBI-related only goes to about three percent of the entire 702 collection. Then within that three percent, this is important now—

Mr. CLINE. OK, I have 30 seconds.

Mr. WRAY. It is important that people understand this. The FBI ends up only accessing content in like 1½ percent of that. So, a little context is appropriate.

Mr. CLINE. I understand. Well, if you are conducting hundreds of thousands or even just hundreds of warrantless searches of Section 702 data for Americans' communications, it is clearly a domestic surveillance tool.

I would argue that I believe it does pose a real problem within the FBI's conduct toward Americans. I speak for many when I say it poses a real problem for the reauthorization of FISA authority for your organization.

With that, I yield back.

Chair JORDAN. The gentleman yields back. The gentlelady from Pennsylvania is recognized.

Ms. SCANLON. Thank you, Mr. Chair.

Thank you, Director Wray, for being here. I am troubled by many of the statements and questions we have heard today that embrace conspiracy theories and disinformation. With these comments, it appears that some of my colleagues are trying to sow division and score political points rather than conduct legitimate oversight of the actual actions and policies of the FBI.

I, like many Americans, would rather Congress focus on doing the people's business and ensuring that the FBI is able to do its job and do it well within the bounds of our constitution and laws.

Now, one of the most serious issues facing American communities now is drug abuse, particularly opioids and fentanyl. In your opening remarks, you mentioned the arrest of 31 U.S. citizens in Northeast Ohio just a couple weeks ago, most hailing from Marion, for drug trafficking.

Can you just take a minute, because I have some other questions, to describe what the FBI is doing to end the scourge of fentanyl and what additional tools you might need from Congress.

Mr. WRAY. So, the FBI is attacking the scourge of fentanyl coming from the Southwest border, in particular, in a variety of ways.

- (1) We are using our organized crime task forces to target the supply, the cartels in particular.
- (2) We are using our Safe Streets task forces to go after the gangs that are principally responsible, violent gangs, for distributing a lot of this all over our streets.
- (3) We are targeting provider abuse, prescription, pill mills, and things like that through our healthcare fraud authorities.

- (4) We have something called J-CODE, which focuses on the trafficking of fentanyl on the dark web, which is a real problem.

We have had a number of very significant take-downs there.

We are also doing things like engaging in outreach, raising awareness. We put out a video called Chasing the Dragon with DEA that has been showed in a lot of schools around the country. We are trying to work with the health community.

So, there's a lot of things that we are doing, but this is an epidemic. I don't believe that it is an overstatement. It is something that requires all hands on deck.

Ms. SCANLON. OK. If there are things you think Congress can help you with, please submit that to us afterwards.

Another major threat to our Nation is domestic terrorism, and that is something you have spoken about repeatedly. Like many Americans, I find it unpatriotic and dangerous when Members of Congress embrace dangerous conspiracy theories that undermine our Federal law enforcement and ultimately our democracy.

I find it disingenuous for Members of Congress to harangue the head of the FBI about people losing faith in the FBI when those same Members have been trumpeting lies and conspiracy theories about the agency for months. Words matter, they have consequences. When leaders lie or embrace disinformation, that is dangerous.

In recent years we have seen increasing threats and violence levied against public servants at all levels, including journalists, elected officials, election workers, doctors, nurses, school officials, teachers, librarians, and more.

What these public servants have in common is they became targets for threats and violence when they had the guts to stand up to lies and conspiracy theories promulgated by the former President and his allies.

We have seen MAGA extremists, *Fox News* pundits, Russian internet trolls, and elected officials parrot conspiracy theories and use heated language to convince the American public, without facts, that dedicated public servants are dangerous enemies who should be feared.

Most Americans understand that this is not legitimate political discourse and that this kind of overheated and fact-free rhetoric can in fact encourage political violence. It is not normal, and it should not be part of American public life.

So, Director Wray, you have repeatedly testified about the serious threat that domestic violence extremists present to Americans. These are people who commit violent and criminal acts in furtherance of social or political goals, whether racial and ethnic motivation or anti-government motivation.

Can you talk about the role that mistrust in government and disinformation and conspiracy theories play in the radicalization and recruitment of extremists?

Mr. WRAY. Well, certainly there is a whole host of misconceptions that are out there about any number of institutions, whether it is law enforcement, whether it is the Supreme Court, whether it is any number of institutions. That in the environment that we are

in where there are people who increasingly channel their rage into violence, that causes a problem.

There is a right way under the First Amendment to express what you are angry about and who you are angry with, and we take that very seriously and view as part of our mission not just to protect the American people, but to uphold the Constitution.

When those views are then turned into violence and threats of violence, then we got a problem. Then I think the FBI has to act.

Ms. SCANLON. Thank you. I see my time has expired, but I would seek unanimous consent to introduce into the record a press release from the U.S. Attorney's Office of the Northern District of Ohio entitled, "31 Individuals Involved in a Drug Trafficking Organization in Marion County and Lorain County Indicted."

Chair JORDAN. No objection.

Ms. SCANLON. Thank you.

Chair JORDAN. The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Thank you.

Mr. Director, when we abandoned Afghanistan, we released about 5,000 terrorists from the Parwan Detention Facility. One of those terrorists showed up at Abbey Gate 10 days later and killed 13 U.S. Marines. Where are the other 5,000?

Mr. WRAY. I don't know that I can tell you where all 5,000 of them are.

Mr. MCCLINTOCK. Well, let me put it more simply. Have you encountered any here in the United States?

Mr. WRAY. We have quite a few ongoing investigations into foreign terrorist-related subjects, whether they are Al Qaeda-related or Isis-related, that we are conducting as you and I are having this conversation. Certainly,—

Mr. MCCLINTOCK. So, have you encountered any from Parwan here in the United States?

Mr. WRAY. Specifically, I am not sure I can say that. Let me followup and make sure if there is anything more I can provide you on that.

Mr. MCCLINTOCK. Well, meanwhile, we have had about one and a half million know got-aways cross the border as this crisis has unfolded. Any estimate of how many among, of those 5,000 among one and a half million known got-aways may be terrorists?

Mr. WRAY. I know that we have seen an uptick, which is obviously concerning to me, and I can tell from your question concerning to you, in KSTs, as we call them, known or suspected terrorists coming across the Southwest border. Our folks are working very hard to try to do our part to try to keep tabs on those individuals.

Mr. MCCLINTOCK. Speaking of upticks, have we seen an uptick in criminal cartel or cartel-related gang activity in the United States over the last several years?

Mr. WRAY. Yes. The cartels, working in kind of an unholy alliance with dangerous, violent gangs here in the U.S. are responsible not just for the abominable distribution of fentanyl all over the country, but also an awful lot of the violence that comes along with it.

Mr. McCLINTOCK. That is coming principally across our Southern border?

Mr. WRAY. That is a huge driver of it, certainly.

Mr. McCLINTOCK. A huge driver. It is reported we have lost contact with the guardians of more than 85,000 unaccompanied minors who have been brought here by the cartels through the Southern border. How many of these children are still unaccounted for?

Mr. WRAY. That I am not sure we have the answer to that. That may be a question for DHS.

Mr. McCLINTOCK. What is the Woods Procedure?

Mr. WRAY. The Woods Procedure is a procedure for—it has nothing to do with 702. It has to do with traditional FISA, Title 1 FISA, as we call it, and involves having files that have all the underlying documents to support each of the factual assertions in—

Mr. McCLINTOCK. Is that important to the integrity of FISA applications?

Mr. WRAY. Yes, sir.

Mr. McCLINTOCK. In February 2020, you assured the Committee that you took these FISA abuses seriously, that you were working to address them. A 1½ year later the Office of the Inspector General reported that you weren't. They reported systemic noncompliance and essentially that some FBI field personnel took the Woods Procedure as a joke.

If we can't trust your past reforms, how seriously should we take your promises of future reform?

Mr. WRAY. I appreciate the opportunity to address this one. So, that OIG finding actually applies to, first, a compliance problems that occurred before all the fixes that I was testifying to you about. Even though the report came out later, it was covering a time period that predated all the fixes and reforms we put in place.

Mr. McCLINTOCK. Well, your General Counsel assured Mr. Durham that the abuses would not have happened because of the new procedures for supervisorial review, yet some of the worst abuses in Crossfire Hurricane were committed by supervisory agents. So, why should we have any great confidence that it is not going to happen again?

Mr. WRAY. There are a couple different sets of reforms here. So, the first is on the reforms that we put in place in response to the Inspector General's Crossfire Hurricane report.

Mr. McCLINTOCK. We can't trust your supervisors is the problem. The problem seems to be that this power exists at all and human beings, being what they are, will tend to abuse them. Could you describe the term parallel construction as it relates to evidence produced in FISA searches?

Mr. WRAY. Parallel construction? I am not sure I have used that—

Mr. McCLINTOCK. Doesn't that refer to the FBI using forbidden information from a 702 search to alert local law enforcement to search for and then produce the same material without revealing that it came from an improper search?

Mr. WRAY. I am just not sure about the use of the term.

Mr. McCLINTOCK. Well, has the FBI ever employed that particular tactic in prosecuting American citizens?

Mr. WRAY. Not to my knowledge. Again, I can look into that and get back to you.

Mr. MCCLINTOCK. What percentage of FISA warrant applications are rejected by the FISA Court?

Mr. WRAY. I don't know that we have that number. There is usually a back-and-forth with the Court. It is not unusual for the Court to—

Mr. MCCLINTOCK. It is a fraction of percentage, isn't it?

Mr. WRAY. A fraction of a percentage?

Mr. MCCLINTOCK. Yes.

Mr. WRAY. Yes, I don't know if that is right, but it is definitely a small number. I think that is partly because our folks learn over time what the Court expects.

Mr. MCCLINTOCK. Which makes that sound an awful lot like a rubber stamp. I see my time has expired. I yield back.

Chair JORDAN. The gentleman yields back. The gentlelady from Georgia recognized.

Ms. MCBATH. Thank you, Chair.

Good afternoon, Director Wray. Thank you for coming before the Judiciary Committee this afternoon. I have read your testimony.

I want to redirect this questioning for a moment, and I want to focus on the important work that the FBI is tasked with when it continues to do its work with gun violence prevention and keeping our communities safe.

As of today, there have been over 300 mass shootings. That is more the number of days that we have in this year. Statistics will continue to show us over and over again that during the summer, these numbers continue to rise.

Extreme risk protection orders play an important role in law enforcement's response to preventing mass shootings from happening.

What are also known as red-flag laws or orders, they empower law enforcement, along with family members and household members, to petition a court to actually have an individual that appears to be in crisis have those firearms just temporarily taken away or removed from them with a court order, to be returned during expiration of that order.

I have a few questions for you, so if you can answer as directly as you can, I appreciate it. Family members and members of law enforcement can often identify individuals who would pose a risk to themselves or to others within the community when they actually possess a gun.

As the head of the United States' Federal law enforcement agency, do you believe that these red-flag laws and these programs enhance public safety?

Mr. WRAY. I don't want to speak on behalf of any specific legislative proposal, but I will say that I know from experience that a number of States have had good experiences with those laws.

Ms. MCBATH. Thank you. In the past several years, several States have actually enacted those extremist protection orders. In total, we actually have 21 States and the District of Columbia have enacted their own forms of red-flag laws.

If a person who is subject to such an order tries to buy a gun from a federally licensed firearm dealer, would the FBI approve or deny the sale?

Mr. WRAY. Well, I believe if the order is required by State law making it a State prohibitor, and therefore is loaded into the NICS system, then when the background check is run, when the FFL, the Federal Firearms Licensee contacts NICS to proceed with the sale, what would pick up the so-called—the order that you are talking about.

If that is a prohibitor, then that would block the transaction is my understanding.

Ms. MCBATH. So, in the absence of an application or applicable State law, is there a way for the FBI agent to seek an order under Federal law?

Mr. WRAY. I am not aware of any Federal law to that effect.

Ms. MCBATH. Exactly. If an FBI agent has information that someone has been violent many times in the past, but is not able to seek a criminal conviction, is there a way for the FBI to deny the sale of a gun to that person?

Mr. WRAY. We only deny sales for people who are prohibited by law from possessing firearms.

Ms. MCBATH. My bill, the Federal Extreme Risk Protection Order Act, which was passed by the House last Congress, would provide Americans in all States access to these truly lifesaving measures. I have reintroduced this bill again this term.

Last summer Congress also passed the bipartisan Safer Communities Act. Among other critical gun violence provisions in that, the legislation begins to address the problem of gun trafficking.

What steps has the FBI taken to implement or utilize this new law that actually helps to stop gun trafficking?

Mr. WRAY. Well, we are, of course, working closely with the Justice Department to implement all the provisions of the laws that relate to NICS, in particular. The place that has had the biggest impact on us is, certainly, on the additional checks that now would be run for the 18–20 year olds.

We started implementing that last October. It was fully implemented starting in January. It is a big change for us and for the State agencies that are on the receiving end of the request for information. As well as for the FFLs, both the big stores and the mom-and-pops. It is a big change in the system.

I think we have done about 100,000 or so checks of this 18–20, in other words U21 group that we are talking about since the implementation of the act. Those are not all denials, to be clear. Most, in fact, the vast, vast, vast majority of them were sales that appropriately proceeded.

There were some that were of course denials based on the statute.

Ms. MCBATH. Thank you so much, I'm out of time.

Chair JORDAN. The time of the gentlelady has expired. The gentleman from Texas is recognized.

Mr. ROY. Thank the Chair. Thank you, Director Wray, for appearing.

Brian Auten was one of the FBI intelligence analysts who interviewed Igor Danchenko, the principle source of the Steele dossier in January 2017, correct?

Mr. WRAY. I believe that is in the Durham Report.

Mr. ROY. Danchenko explained that the dossier allegations were BS, yet the FBI did not reveal that to the FISA Court. Instead, the FBI continued to use those allegations in two more sworn FISA applications about President Trump and Putin, correct?

Mr. WRAY. Well, again, I want to let Mr. Durham's Report speak for itself.

Mr. ROY. OK, but as Director of the FBI, those are the facts of the FBI under your watch. The FBI—

Mr. WRAY. Well, no, sir, I'm sorry. Just, it's important. Not under my watch. Those were the facts before I—

Mr. ROY. I'm getting to the part under your watch.

Mr. WRAY. OK.

Mr. ROY. The FBI conducted an internal investigation of Auten and sought to suspend him, but Auten appealed, correct?

Mr. WRAY. I can't discuss a specific pending personnel matter.

Mr. ROY. OK, well according to recent reports, those are the facts. Nevertheless, in 2020 after Senators Grassley and Johnson highlighted evidence of potential financial crimes and corruption against the Biden family, the FBI assigned Auten to compile an assessment, which was used to characterize the Biden revelations as Russian disinformation.

The evidence Grassley and Johnson had collected were mostly financial records and could easily have been corroborated as authentic. By then, the FBI had the Hunter laptop in its possession for over a year. So, it knew the lucrative payments to the Bidens from corrupt and anti-American regimes were authentic.

How on earth did the FBI empower an agent under investigation for potentially corrupt performance and abuse of FISA in one politically fraught investigation, a Democrat operative driven case against President Trump, to a play a key role and to undermine a second politically fraught investigation, a case against the Bidens?

How is that possible? How can you allow that to occur in the Federal Bureau of Investigation, as my colleagues on the other side of the aisle, say the elite law enforcement agency of the United States? How does that occur?

Mr. WRAY. I can't at the moment discuss a pending personnel matter. I can tell you that every employee who in any way touched the Crossfire Hurricane matter has been referred to our Office of Professional Responsibility, our disciplinary arm.

Mr. ROY. Are you concerned about this activity by the FBI and what was communicated to the FISA Court? Does that concern you as the Director of the FBI?

Mr. WRAY. I consider the conduct that was described in the Durham Report as totally unacceptable and unrepresentative of what I see from the FBI every day and must never be allowed to happen again.

Mr. ROY. Have there been consequences as a result? Is Mr. Auten—has he had consequences?

Mr. WRAY. Well, again, I can't speak to pending personnel matters, as you would perhaps remember from your own time in law enforcement. Because we were working closely with Mr. Durham and I assigned agents to help him, at his request we slowed down

the administrative process to allow his investigation to complete itself.

Now, that it is complete, our personnel processes are very much ongoing.

Mr. ROY. Well, I think it is more than troubling that under your watch, we see that this continued to occur. You have Auten continue to be empowered after there was an investigation and after there was an effort by the FBI to look into why he would go to the FISA Court and give wrong information.

The issue here has been wrapped up in a cloud of politics, but the fact is the American people deserve to know how the FISA Court is being abused and how it is being abused against a former President and against them in light of the reports that we saw Mr. Johnson of Louisiana put forward that was in a court filing, in a court report.

Want to move on to another topic. On September 23, 2022, 20 heavily armed agents stormed the home of Mark Houck. You are familiar with this?

Mr. WRAY. I am familiar with the Houck case, a little bit, yes.

Mr. ROY. This was after Mr. Houck's lawyer reached out and said he would appear voluntarily because the incident in question occurred almost a year earlier in October 2021. So, a year earlier.

The question here I have, local authorities investigated the incident, but concluded there was no case. After the jury met for roughly an hour, Houck was acquitted. How on earth did Mark Houck end up having the FBI send several armed agents along with local authorities to arrest him at gunpoint? Do you approve it, did you approve of that?

Mr. WRAY. Well, let me start where you ended. Decisions about the manner of an arrest are not something that the FBI Director approves. I defer to and rely on the judgment of the experienced career agents on the ground, who have both the most intimate understanding of the facts and have the training experience to decide how best to effectuate an arrest.

Mr. ROY. Do you know who did order it?

Mr. WRAY. My understanding is that this arrest was conducted in our Philadelphia Division by career agents with a combined 40 years of FBI experience.

Mr. ROY. Do you approve of the raid now in retrospect? Do you think it was appropriate? Do you think it was appropriate for a father to have armed FBI agents along with local agents go to his home, arrest him at gunpoint for alleged violation of the FACE Act a year after the alleged incident after the father had said through his lawyer that he would appear voluntarily?

Do you believe that FBI agents should go to the home of a father in Philadelphia suburbs?

Mr. WRAY. I'm not going to second-guess the judgment of the career agents on the ground who made the determination.

Mr. ROY. Your job is to second-guess—

Mr. WRAY. I think your description—

Mr. ROY. Look at what they are doing. Your job is to review what they do. Your job is to protect the American people from the tyrannical FBI storming the home of an American family.

Mr. WRAY. I could not disagree more with your description of the FBI as tyrannical, and I think—

Mr. ROY. You don't believe it's tyrannical that FBI were a part of storming a father's home in suburban Philadelphia?

Chair JORDAN. The time of the gentleman—the time of the gentleman—

Mr. WRAY. Mr. Chair?

Chair JORDAN. The time of the gentleman has expired. The witness may respond, and then we will move to our next witness.

Mr. WRAY. So, respectfully, they did not storm his house. They came to his door. They knocked on his door and identified themselves. They asked him to exit. He did, without incident.

Mr. ROY. [Off mic.] Armed at gunpoint.

Mr. WRAY. Whenever our agents—well, not at gunpoint. Whenever our agents conduct an arrest, they are armed. Our agents are armed virtually all the time, as you may remember from your own experience as a prosecutor.

Chair JORDAN. The gentleman yields back. The Ranking Member has a unanimous consent request.

Mr. NADLER. I ask unanimous consent that this document be placed in the record.

Chair JORDAN. That's pretty—that's not too specific.

Mr. NADLER. I ask unanimous consent to enter the full January 15, 2021, email thread between the Bank of America and the FBI that is about threats to Inauguration Day, instead of the edited version that was shown on the—

Chair JORDAN. I'm happy to have that into the record. Without objection. We champion that. We are going to bring that up again here if we get a chance.

The gentlelady from Pennsylvania is recognized.

Ms. DEAN. Thank you, Mr. Chair.

Director Wray, good to see you. I thank you for being here today. I just want to remind those who are watching at home or here in the room that we are here as an oversight function. We are not here as a political tool to hammer you or your 38,000 public servants, law enforcement men and women, and to try to use you politically.

It surely doesn't feel that way all the time during this. So, I thank you for your service. I thank the men and women for their service. I have a first cousin, technically I guess a first cousin-in-law who for a very long time in the Philadelphia suburbs served as an FBI agent with integrity and honor. So, I think of him, I think of Jack today, as I am doing this.

I read your testimony. Often, over and over, you State the mission of FBI, to protect the American people and uphold the Constitution of the United States. Twofold, protect the American people, uphold the Constitution. Do it by the rule of law. That is what we should be asking about, are we doing that to the best of our ability.

I want to use and examine the case of the Mar-a-Lago documents, because it has been used by the former President as a pitying moment, as though he has somehow been victimized. None of that is normal. These are serious times, and your people have seri-

ous missions about the safety of the American people and doing it lawfully.

Director Wray, a ballroom, a bathroom, a bedroom, are those appropriate places to store classified, confidential information?

Mr. WRAY. Well, again, I don't want to be commenting on the pending case, but I will say that there are specific rules about where to store classified information, and that those need to be stored in a SCIF, a secure compartmentalized information facility. In my experience, ballrooms, bathrooms, and bedrooms are not SCIFs.

Ms. DEAN. Mine too. Yet, that is where the former President chose to put vital information about our national security. He exacerbated the risk, as alleged in the damning 37-count indictment, by evading law enforcement and allegedly even showing some of these classified documents to others who were not either in a SCIF or up to having these informations sent to him.

It was January 2021, having lost the election, 2021, when at noon Mr. Trump has to leave the White House. Of course, it is shown in the affidavit and in the indictment that he left with quite a few boxes.

In May 2021, the National Archives emailed requesting the missing documents from Mr. Trump. His lawyer said that he would provide them, and then never did.

On January 18, 2022, so we are talking a full year later, Mr. Trump finally turned over 15 boxes. Fourteen of them contained documents with classified markings, 30 documents Top Secret.

In June 2022, this is now a 1½ years later, DOJ and FBI recover an additional 38 classified documents from Mar-a-Lago, your FBI, our FBI. A lawyer for Mr. Trump signed a statement at that point. To the best of her knowledge, she said, "all classified materials had been returned."

Surveillance footage of course showed that wasn't the case.

In August 2022, a Federal judge approved a warrant to search Mar-a-Lago. This was not a raid, as some on the other side would like to have a pity party for Mr. Trump. This was not a raid.

They then retrieved another 102 documents with classified markings. Three hundred and some documents taken by the President, improperly stored, and then tried to evade and obstruct justice, as is alleged.

Do you think that the FBI went over the top or was out of line in your participation in retrieving these documents?

Mr. WRAY. Well, again, I don't want to discuss the specifics of a pending case. From everything I have seen, our folks in this case have proceeded honorably and in strict compliance with our policies, our rules, and our best practices.

Ms. DEAN. It seems from what overview we can do, I am taking a look here at the affidavit to get the search warrant to go on in, it was one of your special agents assigned from the Washington Field Office, obviously, we don't know who. Pointed out and made the case for probable cause to go in and to collect these documents.

So, let's take a look at the flip side. What is the harm, what is the danger to either human assets, your employees, national security for Mr. Trump holding onto, moving around, showing Top Se-

cret documents, where is the harm? Eighteen months of this going on.

Mr. WRAY. Well, again, respectfully, I am not going to comment or weigh in on a case that is now pending in front of Federal judges. Speaking more generally, the rules governing the handling of classified information are there for a reason, and people need to be very mindful of those rules.

Unfortunately, the FBI has a steady part of its docket a number of investigations involving mishandling. The reason those rules are there is because classified information, if it gets into the wrong hands, can put human sources in jeopardy.

It can put other kinds of intelligence collection at jeopardy. It can jeopardize our partnerships with foreign liaison services, which are the lifeblood of the intelligence community in many ways.

So, it is serious business, and it needs to be taken seriously. Again, I am not speaking about a particular case, I am just speaking generally.

Ms. DEAN. I very much appreciate it, Mr. Chair. I appreciate it, but I do want to just point out to the world, none of this is normal. It was not normal what took place here.

I yield back.

Chair JORDAN. The gentlelady yields back. Bedroom, bathroom, ballroom. How about a box in a garage.

Mr. IVEY. Mr. Chair—

Chair JORDAN. A beach house in Delaware and the Biden Center. I don't think those are SCIF—

Mr. IVEY. Mr. Chair, point of order.

Chair JORDAN. The gentleman from Texas is recognized.

Mr. GOODEN. Thank you, Mr. Chair.

I want to talk about China, but before I do, I want to just comment, in the last exchange with Mr. Roy, I heard you say certain practices were outrageous to you, and I appreciated that.

I think maybe we would have liked to have heard more of that this hearing, about things, acknowledging failures. I realize there are a lot of positives to talk about, but we do as a Committee want to work with you.

When Chair Jordan asked why so much is redacted in a document, could we perhaps sit down with you, even if it is privately, and you tell us why that needs to be the case? If we ask for the names of these employees that were behind the Catholic issue in Virginia, can we get a commitment that we will eventually get those names? I didn't hear that in that exchange with Mr. Jordan.

Mr. WRAY. Well, you certainly have my commitment that we will work collaboratively with the Committee. We obviously have rules that govern what we can share, and we have to be mindful of those too.

In my experience, that is what the longstanding accommodation process between the Executive Branch, especially law enforcement agencies, and Congress is there for. We absolutely will pursue that in good faith.

I know we have been providing an enormous amount of information. If there are places that we can do better on that, we want to try to do better on that. Again, consistent with our rules.

I'm very mindful of the fact that the whole reason I am in this job is because my predecessor was fired. In a fairly scathing Inspector General Report, one of the things he was criticized for was sharing more information both with the public and frankly with Congress than was consistent with Federal Rules.

Mr. GOODEN. Thank you, thank you for that pledge.

Now, to China. Most Americans don't realize, I don't think, that U.S. companies doing business in China are required to have joint venture agreements. That has been around since 2017 or 2018 I believe. It requires the Chinese Communist Party to have political cells within these enterprises, American enterprises in China.

In the last few weeks, it has come to my attention that they have taken that up a notch and actually gone further, the Chinese have, and said that not only must they be present and have access, but they now control these American businesses. So, they are in essence nationalizing American enterprises in China.

The CEOs I have talked to are afraid to say something. They say they have gone to the FBI; the FBI I think is aware of this. I am about to turn it over to you. My question is: Is this happening and what can be done about it, what do we need to do about it?

Mr. WRAY. Well, I think you have put your finger on a very important issue, and frankly, one that does not get the attention that it really deserves, so I appreciate you bringing it up.

I will say that in my view, there is no country, none, that presents a broader, more comprehensive threat to our ideas, our innovation, our economic security than the Chinese Government and the Chinese Communist Party. In many ways, it represents I think the defining threat of our era.

When it comes specifically to the business community, while there is no law against joint ventures, the problem that we have is that the Chinese Government all too often has exploited those joint ventures to then use them as ways to get improper access to companies' secrets and information.

Mr. GOODEN. Do you find that they have stepped it up, though, to where they are in essence nationalizing U.S. companies quietly?

Mr. WRAY. In a variety of ways, I hadn't really thought of using that term, but I think you are on to a very important point.

I will give you an example that I think a lot of people in America still don't know about and would be shocked to hear, which is that really any company of any size in China is required, required by Chinese law, to have what they quaintly call a Committee. It is essentially a cell inside the company, whose sole function is to ensure that company's compliance with Chinese Communist Party orthodoxy.

If we tried to install something like that in American companies or if the British tried to do it in British companies, or any number of other places, people would go out of their minds, and rightly so.

Mr. GOODEN. Agreed. Well, thank you. I would like to work with you more on that. I would yield the balance of my time to the Chair. Thank you.

Chair JORDAN. That is exactly what you did. The judge said it last week. Every week you were meeting with Big Tech companies saying hey, look at this, this violates your policy. Take this speech

of Americans down. You were doing the same darn thing you just described the Chinese about.

Can we put up the email that Mr. Nadler entered into unanimous consent request. We put this up from the FBI to Bank of America. Because I want to know something. This is the full email. Go to the bullet point where it says, “Any historical purchase going back 6 months generally for weapons, weapons-related vendor purchase.”

Do you see that, Director? You see that bullet point, the one that says “ANY” in all caps, that bullet point. This is the email. How did you know? How would you know if it is a firearm purchase? How is the FBI going to know this? Would you put your mic on, please.

Mr. WRAY. I am sorry. I am not going to start engaging on specific correspondence. I don’t have the whole string here. As I have said before, my understanding is that our engagement with Bank of American was lawful, but that we also took steps, as we discussed in our earlier exchange—

Chair JORDAN. If it is lawful, why did you take steps not to use the material? You can’t have it both ways.

Mr. WRAY. I disagree with that, actually.

Chair JORDAN. Really?

Mr. WRAY. There are plenty of things that we lawfully can do that we decide are better not to do. That is my understanding is what happened here.

Chair JORDAN. Wow, wow.

The Chair recognizes the gentlelady from Texas for five minutes.

Ms. ESCOBAR. Thank you, Mr. Chair.

Director Wray, thank you for your testimony and thank you for your public service.

Last week in my district and my hometown of El Paso, Texas, a domestic violent extremist was sentenced to 90 consecutive life terms for a horrific attack he carried out on my community on August 3, 2019. On that day, he confessed that he drove over 10 hours from his community in East Texas to mine to slaughter Mexicans and immigrants.

Before he walked into that Walmart, he published his screed online. He used some of the same ugly, xenophobic rhetoric that I hear my colleagues on the other side of the aisle use. Then he walked into that Walmart with an automatic-style weapon and began shooting indiscriminately.

He killed 23 people, injured dozens more. My community remains profoundly impacted by that attack. The victims and the survivors and the loved ones still live with profound pain and trauma.

What is the FBI doing, Director Wray, in response to racially motivated domestic terrorism?

Mr. WRAY. Well, first, let me say I feel your pain. I actually visited the Walmart crime scene shortly after the attack and spent time with our folks on the ground who were processing the crime scene in blistering heat in the parking lot there. Obviously, got briefed by the investigative team and met with our local partners.

Obviously, it was a horrific, tragic event. The individual stories about some of the individual victims stick with me to this day.

As to the broader phenomenon of racially motivated violent extremism, we have done a number of things. We elevated it to a national threat priority back in the Summer 2019, I believe it was, which means that it is squarely in scope of all our joint terrorism task forces and treated as a priority at the top level. That is our highest level of priority.

We also have engaged; we created a domestic terrorism hate crimes fusion cell. You might wonder what is the point of that? Well, what we found was that sometimes the same acts of violence could either be called a hate crime, or it could be called an act of domestic violent extremism.

In the way the FBI is structured, the first is treated by our Criminal Investigative Division. The second is focused on by our Counterterrorism Division.

By bringing the two subject matter experts together, we could make sure that we are not letting anything slip through the cracks. More importantly, we can be proactive in thinking ahead.

That same fusion cell, for example, was then very important in us identifying and preventing a potentially devastating attack against a synagogue outside of Colorado. It was really one of the first times in recent memory that a hate crimes prosecution was able to be preventative.

All too often, unfortunately, those cases are brought after there is a horrific attack. So, we were very proud of disrupting that plot.

Ms. ESCOBAR. Thank you so much, Director Wray. I am also very curious about what steps you have taken to improve coordination between the FBI and the Department of Homeland Security in terms of reporting the domestic terrorism data.

Mr. WRAY. Well, there were a number of places—this gets a little bit technical. The reports that Congress called for, I have had a number of engagements with Senator Peters on the Senate side about this, where data about how many domestic terrorism attacks there had been and what cases there were.

I think there were different ways in which in the two agencies what they were counting and so forth. So, to kind of get better at providing that information as required by Congress, we have worked more and more closely with DHS on ensuring a common set of metrics and so forth to make sure that the reports are getting in on time and that they are complete.

We still have some work to do to make them better, but I think we have made significant progress.

Ms. ESCOBAR. I appreciate it. That data is critically important, as you know. I am just about out of time. Thanks again for your service.

Mr. Chair, I yield back.

Chair JORDAN. Excuse me, the gentlelady yields back. The gentlelady from Florida is recognized.

Ms. LEE. Good afternoon, Director Wray. Director, how many sworn special agents are there currently in the United States?

Mr. WRAY. You mean outside the FBI?

Ms. LEE. Oh, no, in the FBI.

Mr. WRAY. Just in the FBI? I think we have about 14,000 or so FBI special agents.

Ms. LEE. They are spread across field offices and resident agencies in the U.S. and in some cases around the world, is that right?

Mr. WRAY. Yes.

Ms. LEE. All right. Now as a former Federal prosecutor and judge I have had the opportunity to work with a number of men and women of the FBI from my home State and one thing that I know and that we have heard in your testimony today is that you have very broad responsibilities. Is it correct to say that the FBI, among other things, investigates counterterrorism, counterintelligence, cybercrime, public corruption, civil rights offenses, transnational organized crime, violent crime, and domestic terrorism?

Mr. WRAY. Then other things as well, but yes.

Ms. LEE. Yes. In addition to that would you agree with the statement that the bureau provides important support to local law enforcement agencies around the country on those subjects and others?

Mr. WRAY. I would say indispensable support and something I hear about—I'm talking with chiefs and sheriffs probably every week in this job since I've started and if there's one refrain I hear from the consistently is keep it coming; we need it; can you give us even more help? That's what I hear from them.

Ms. LEE. I would like to focus on the subject of domestic terrorism today. When we talk about domestic terrorism the bureau's work includes investigating and bringing to justice those who do profound harm to the homeland given the opportunity. The bureau has been involved in cases involving hate crimes, violent extremists, and even some of our country's most notorious criminals like Timothy McVeigh and Ted Kascinski. Is that right?

Mr. WRAY. Yes.

Ms. LEE. OK. Of course, there are many such individuals who have plans to do harm to our homeland that America never hears about because you successfully intercept and prevent before those incidents occurs?

Mr. WRAY. Yes. In fact, one of the things that I think people would be surprised to know because terrorism is not as much in the news as it was during the era when I was serving in the Bush administration in the 9/11 era—but we have, just since I've been Director, disrupted attacks against a July 4th parade in Ohio, any number of attacks against churches and other houses of worship, an attack, an attempted attack, a plot to attack a hospital during COVID, the pier in San Francisco in sort of a peak tourism moment, a crowded beach during a Memorial Holiday. These are not all domestic terrorism. Some of them are—and that's important for people to know. Some of these are jihadist-inspired terrorist attacks, too. That has not gone away even though a lot of the public discussion has been about domestic terrorism.

Ms. LEE. So, here is what I am hoping you can help us reconcile today: So, we know that there are a limited number of agents, a limited number of resources, and a vast responsibility to prevent a broad array of very serious offenses. What I would like to do with that in mind is turn your attention to the decision within the bureau to use investigative resources to investigate and surveil parents who attended school board meetings for the purpose of sharing their concerns about the nature of their children's education and

the efficacy of the policies that were being implemented by school boards around the country.

Is it correct that in 2021 the FBI created a threat tag specifically designed to identify parents attending school board meetings?

Mr. WRAY. Yes, I think it's important for people to understand what a threat tag is and is not. It is not what we base investigations on. It's not an investigative tool. It's an administrative function in our system and it doesn't change anything, anything about how we investigate, tools we use, any of our longstanding standards for predication.

Ms. LEE. In those circumstances—

Mr. WRAY. You mentioned the whole resource allocation question—

Ms. LEE. —it is correct is it not however that agents surveil, that agents did in fact surveil and investigate certain parents who were attending school board meetings?

Mr. WRAY. No, ma'am, that's actually not correct. We opened 25 assessments into reports that were tagged, but none of those involved incidents at school board meetings. To my knowledge the FBI has not opened investigations on any parent for exercising speech at school board meetings.

Ms. LEE. Would you be concerned that to do so would be an infringement or perhaps a chilling on the First Amendment rights of parents to participate freely and opening in those meetings? Do you believe that would be an appropriate function of the bureau?

Mr. WRAY. I believe that our mission is to protect the American people and uphold the Constitution. The uphold the Constitution part is very important to me and to our people. I will say to you the same thing I said to all 56 of our field offices as soon as I read that memo, which is the FBI is not and has never been in the business of policing or investigating speech by parents at school board meetings and we're not about to start now. We're going to keep doing what we've been doing. That includes when there's violence, threats of violence, we're going to work with our State and local partners as we always have on that and following our normal procedures and our normal investigative steps and our normal standards for predication.

Ms. LEE. Thank you, Director Wray.

Mr. Chair, I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Colorado is recognized.

Mr. NEGUSE. Thank you, Mr. Chair.

Director Wray, thank you for being here, thank you for your testimony, and thank you for your service to our country under some pretty difficult circumstances. We are certainly grateful. I am certainly grateful. The people of the State that I represent, Colorado, are grateful to the 38,000 members of the FBI team, as you have articulated, that are working every day to keep the American people safe and to keep the people of my State and my community safe. So, we are grateful for you being here.

This Committee obviously has a legitimate role in terms of conducting oversight. Generally, that oversight has extended to the policy areas, the areas of law enforcement that, of course, you are responsible for. Unfortunately, much of the conversation today—

and it is disappointing I think for those Americans who have been watching—has not been focused on those legitimate areas of inquiry, but instead conspiracy theories and the like. Obviously, you have been given an opportunity to respond to some of the attacks that have been made against the law enforcement agency that you direct and the dangerous calls, or at least in my view the dangerous calls that have been made by my colleagues on the other side of the aisle in terms of defunding Federal law enforcement, which is deeply dangerous. You have articulated the many reasons why.

I would like to focus in on two areas that are important to my constituency in Colorado and that I believe are relevant to the work that you do, and that is the fentanyl epidemic and gun violence prevention.

With respect to the latter, you may recall you testified in front of the Committee previously, I had an opportunity to ask you about an incident that occurred back in 2020 in my State in Colorado. In 2021, the GAO issued a report in response to this particular incident. Just by way of background a gun dealer in Colorado transferred a firearm to an 18-year-old resident of Florida without first verifying the purchaser's age, eligibility, and her State of residence. The guy buyer then threatened to commit a school shooting akin to the mass tragedy that occurred at Columbine High, causing the lock-down and closure of multiple schools in my district back in Colorado.

The report recommended, the GAO report, that the FBI strengthen its system for the sale of firearms to out-of-state purchasers. Specifically, it recommended that the FBI update the NICS system to verify the age requirements of an out-of-state firearm purchaser in both the purchaser's State of residence and the State of sale to ensure basic age eligibility. We have introduced legislation that I believe the Department of Justice is aware of to make that requirement statutory.

Wonder if you could expound a bit on whether the—I am sure you are aware of the report—whether the FBI has implemented the recommendation that the GAO has made? If not, the FBI's plans to do so.

Mr. WRAY. Well, I think the specific legislation that would require that is something, as you said, that I think the department is studying, and so I can't weigh in on a specific legislative proposal. When it comes to the specific issue of 18–20-year-olds, in particular, and gun purchases, that is of course the subject of the bipartisan Safer Communities Act that was passed.

There are a number of significant checks that now occur. We started implementing that last October; fully implemented it starting in January. That provides for enhanced checks for that—that critical population, the 18–20-year-old range. Juvenile criminal records, mental health records for that population, and contact in some ways—most importantly contact with local law enforcement in that person's community.

I've actually be out to NICS, met with and sat with the operators who process those checks. So, I've seen kind of firsthand how it works and the important work it represents. I think if you were to talk—I'm talking to chiefs and sheriffs all over this country every

week and you will hear most of them—if you talk to them for very long, you will hear about their concern and our concern about juveniles and violence—almost guarantee you with the first 10 minutes of any conversation. It's a real problem in this country.

Mr. NEGUSE. Well, I thank you for your answer and I think it underscores the importance of the NICS program and would look forward to perhaps following up with your team on this particular administrative issue of trying to just make sure that the data base is working efficiently.

Limited time left, but I just want to give you an opportunity—I know we have talked a bit about the fentanyl epidemic devastating communities across the country. Certainly, in Colorado it is one of the reasons why we created a Fentanyl Prevention Caucus here in the Congress. It is bipartisan. Representative Issa is one of our Co-Chairs.

Wonder if you just might be able to, for those Americans who are watching, kind of provide us with your sense of some of the trends, the most dangerous and disturbing trends that you think the American people and policymakers should be aware of?

Mr. WRAY. Well, there are a whole bunch of trends, but in the limited time—but because of the importance of this topic, I'll hit a couple.

- (1) We were just discussing this recently internally, we are finding over the course of the last year that, maybe even a little less than a year, almost every gang takedown we have now, and we're doing them all over the country all the time—almost every single one now seems to involve as well a seizure of fentanyl. We've been doing gang takedowns since Congresswoman Lee was a prosecutor as well. So, that's not new. What is new is that over and over and over again it seems consistently we're finding fentanyl in these—again these violent crime takedowns.
- (2) A phenomenon, which is deeply disturbing, and I know the DEA Administrator is very concerned about as well, is that we're seeing more and more adulteration or lacing of fentanyl into all sorts of different kinds of prescription drugs that lots of Americans take all the time.

If you think about the phenomenon of the youth of this country, which is itself a problem, of getting prescription drugs from their friends or their friends' parents or whatever it happens to be, they may not know that there's potentially a lethal dose of fentanyl in some prescription drug that they're taking. So, it just underscores the importance of only getting your prescriptions from an appropriate medical provider.

Chair JORDAN. The gentleman's time is expired.

The gentleman from Wisconsin is recognized.

Mr. TIFFANY. Is the Southern border secure?

Mr. WRAY. I think the Southern border represents a massive security threat.

Mr. TIFFANY. So, what we have heard from you today is that fentanyl has become a really big problem and that you are having to put more resources to it. Is that correct?

Mr. WRAY. Toward fentanyl, yes. Yes, we are.

Mr. TIFFANY. The related gangs. You just regaled us with some of the story.

Mr. WRAY. Right.

Mr. TIFFANY. So, this all happened over the last couple years as the border has become unsecure. Is the Southern border secure?

Mr. WRAY. Well again, we're not—I want to defer to the Homeland Security which has responsible for the physical security of the building. I will just tell you from the FBI's perspective that we are seeing all sorts of very serious, very serious criminal threats that come from across the border.

Mr. TIFFANY. Getting worse, correct? You are putting more assets toward it.

Mr. WRAY. We certainly do. We have, as I said—

Mr. TIFFANY. So, it is becoming more of a priority for you?

Mr. WRAY. It is becoming more and more of a priority for us, yes.

Mr. TIFFANY. So, in the Durham Report, and we heard from Mr. Durham just a couple, weeks ago, he said the FBI failed to uphold the important mission of strict fidelity to the law. That predates you. Do you agree with that statement that Mr. Durham made?

Mr. WRAY. Yes, I do.

Mr. TIFFANY. Was Russia collusion a hoax? So, in light of the Durham Report in that was Russia collusion a hoax?

Mr. WRAY. Well, what I would say is this: First, as to the Durham Report itself, as to the issue of Russia malign influence. As to the Durham Report itself—

Mr. TIFFANY. Be quick.

Mr. WRAY. —I will try—the conduct it describes is conduct that I consider unacceptable and unrepresentative of who I see the FBI is every day and must not ever be allowed to happen again.

Mr. TIFFANY. On the other side?

Mr. WRAY. Second, on the other one it is not seriously disputed that the Russians, among other foreign adversaries, have attempted to interfere in our elections. There have been any number of findings to that. In fact, President Trump himself rightly declared a national emergency about foreign interference in our elections in 2018.

Mr. TIFFANY. So, as a result of the actions of James Comey, the disgraced James Comey and the FBI, they have interfered with the elections in both 2016 and 2020. Will that interference happen again in 2024 by the FBI?

Mr. WRAY. The FBI is not going to be interfering in elections.

Mr. TIFFANY. They did in 2016.

Mr. WRAY. Well, I don't know that's what Mr. Durham found. What I would tell you again is that it was conduct that I consider unacceptable and unrepresentative.

Mr. TIFFANY. You can be in denial if you want to.

Mr. WRAY. I'm not in denial, sir.

Mr. TIFFANY. Mr. Director, you can be in denial on this. That is exactly what happened.

Last year, the FBI gave a defensive briefing to my home State Senator Johnson. You can see the slide up there now. Then that defensive briefing was leaked to *The Washington Post*. Who ordered that briefing?

Mr. WRAY. So, defensive briefings, when it comes to election matters, including in the last administration, under a procedure set up by the last administration, are an interagency process coordinated by the Office of Director of National Intelligence. The way that works is the interagency concludes that a defensive briefing is appropriate and the FBI is given information from whatever intelligence community agency supplies it and then we provide it. Defensive briefings, it's important to understand—

Mr. TIFFANY. Senator Johnson. That is his quote. He is up there with you and Hunter Biden. "I knew it was a setup." He asked you this question back in November of last year and he said "I knew it was a setup."

That goes back to the point about interfering in elections. Senator Johnson was one of the most vulnerable Republican incumbents, if not the most vulnerable Republican incumbent, that was a target of the Democrats in the 2022 election. Then you see this briefing happen and he knew what was happening, that there was someone or some people within the FBI and the intelligence arena that were going after him.

Did Joe Biden take payment from Barisma or any other foreign companies as Vice President, President, or Private Citizen Biden?

Mr. WRAY. As you may know there is an ongoing investigation being led by the U.S. Attorney in Delaware, Mr. Weiss, appointed by President Trump in the last administration, that our Baltimore Field Office is working with. I would refer you to him as to what if anything can be shared.

Mr. TIFFANY. So, the President is under investigation?

Mr. WRAY. I'm not going to confirm or speak to who is or isn't under investigation for what. I'm simply going to tell you—

Mr. TIFFANY. So, he is not under investigation?

Mr. WRAY. I didn't say that either. By longstanding department policy and practice I'm not going to be confirming or denying who is or isn't under investigation or for what.

Mr. TIFFANY. Thank you. I will close with this: Russia collusion started it, Mr. Chair, and the targeting and the suppression and the censorship has continued until this point. We need to thoroughly review what the FBI is doing. At a minimum I will be allowing FISA to sunset if we are not going to see significant reforms in the agency. I yield back.

Chair JORDAN. The gentleman yields back.

The gentlelady from North Carolina is recognized.

Ms. ROSS. Thank you, Mr. Chair.

Thank you, Director Wray, for your service and your patience. In 2018, 10 leaders of Temple Beth Or, a synagogue in my district, received threats mailed to their homes. These threats led to the cancellation of programming and continued a disturbing trend of rising antisemitism in North Carolina.

In the years since my State has confronted new threats from domestic terrorists at minority institutions. This past April a man was arrested on the campus of North Carolina A&T State University, the largest HBCU in the country with multiple firearms and hundreds of rounds of ammunition as well as a makeshift explosive, brass knuckles, crossbow, knives, and other weapons. Thankfully this man was arrested before he could cause any harm, but

the threat he posed to the campus mirrors threats we have seen to HBCUs around the country.

In North Carolina and across the United States we have also seen increased threats against reproductive care providers in the wake of the *Dobbs* decision last summer. North Carolina recently enacted a 12-week abortion ban that has severely restricted access to reproductive healthcare in my State and people often have to go through threatening crowds to be able to access the care that they need. While some in North Carolina have highlighted vandalism of crisis pregnancy centers since the overturn of *Roe*, they have failed to acknowledge or respond to the increase in violence at abortion providers.

Does the FBI currently provide antiterrorism training to civilians, to HBCUs, places of worship, religious centers, individuals providing abortion services, and LGBTQ groups? Does that training include a domestic terrorism component, so that they can help you and law enforcement?

Mr. WRAY. Well, we do a whole bunch of things to engage with the community, institutions that are targeted with violence that include a number of the kinds of institutions you mentioned. I know, in particular, we work very, very closely with the Jewish community, which has the unfortunate distinction of despite the percentage that they represent of the American population of being [audio malfunction] around the country and nationally.

We also spent a lot of time engaging with campus law enforcement including at HBCUs. We spent a lot of time on that especially last year with the bomb threats that were coming in. I was just recently with all the campus law enforcement leaders from around the country just the last couple weeks. We certainly try to provide awareness to different kinds of institutions about how to deal with potential mass casualty events and things like that. We also provide information about things to be on the lookout for in people's communities.

I should say though, when you mention on the abortion side reproductive facilities, of course, I would be remiss if I didn't also point out that there has been a pretty significant uptick in violence going the other way since the *Dobb* decision.

Ms. ROSS. Yes.

Mr. WRAY. In fact, most of the investigations that we've opened since the *Dobb* decision, probably about 70 percent of them have been violence against prolife facilities. We recently had a significant charge in the Madison, Wisconsin area of a guy who was trying to firebomb a prolife facility there.

So, we're out there with communities across the spectrum.

Ms. ROSS. OK. How would an investigation differ if it is domestic terrorism as opposed to just an ordinary criminal case?

Mr. WRAY. Well, our investigation focuses on the violence first and foremost.

Ms. ROSS. Yes.

Mr. WRAY. I think there is no domestic terrorism statute. There's no offense of domestic terrorism—

Ms. ROSS. Yes.

Mr. WRAY. —but we define domestic terrorism for purposes of opening an investigation as having three things: Violence or threat

of violence in furtherance of an ideology; in other words, that's what's driving the violence in that particular instance, and in violation of Federal criminal law. If we have those three things, enough evidence to indicate that might be what's going on, then we would treat that as a domestic terrorism investigation.

Ms. ROSS. Thank you, Mr. Chair. I yield back.

Chair JORDAN. The gentlelady yields back.

We have got votes, director. We are going to do one more on our side, then we will take a break and come back for the remaining Members.

The gentlelady from Wyoming is recognized.

Ms. HAGEMAN. Yes, Director Wray, we have established that the FBI and other Federal agencies met weekly with executives from major social media companies including Facebook, Twitter, YouTube, Google, Microsoft, LinkedIn, Yahoo, and Verizon. Were you involved in any of those meetings, yes or no?

Mr. WRAY. I wasn't involved in the kind of meetings that you're talking about, or I didn't participate I guess in meetings like that.

Ms. HAGEMAN. OK. Are these meetings still occurring? If so, how frequently?

Mr. WRAY. Well, right now as you may know there is a preliminary injunction that's been entered—

Ms. HAGEMAN. Prior to the preliminary injunction were these weekly meetings taking place?

Mr. WRAY. I don't know if weekly meetings occurred again before the injunction, but certainly we've been very open about this, engaged with social media companies.

Ms. HAGEMAN. Does the FBI intend to continue to have such meetings leading up to the 2024 election to police election-related speech?

Mr. WRAY. Well, we're not going to be policing election-related speech.

Ms. HAGEMAN. That what you previously did?

Mr. WRAY. That's not—I do not agree with that description.

Ms. HAGEMAN. OK. Well, here is what I would say: This committee has learned that the FBI acted to quote, "discredit leaked information about Hunter Biden before and after it was published," that, quote, "Twitter's contact with the FBI was constant and pervasive as if it were a subsidiary," and that, quote,

... a surprisingly high number of requests by the FBI for Twitter to take action on election misinformation even involving joke tweets from low follower accounts.

Are you aware that this has been reported?

Mr. WRAY. I am aware of some of what the Committee has found in its report.

Ms. HAGEMAN. OK.

Mr. WRAY. I will add that I'm not sure I agree with the findings in the Committee's Report.

Ms. HAGEMAN. That is what we found. Director Wray, you and I both know that the Federal government is forbidden from doing indirectly what it cannot do directly. In other words, neither you nor the FBI have any legal authority to circumvent the First Amendment by using a surrogate to do your dirty work, yet that is exactly what you have been doing. The bureau under your watch

has been using proxies to violate the First Amendment. Were you the person who gave the orders to use these social media companies to violate the First—violate Americans' First Amendment rights?

Mr. WRAY. Again, I don't agree with your description of our engagement with social media companies.

Ms. HAGEMAN. So, who made the decision to use social media companies as a proxy to suppress the First Amendment rights of American citizens?

Mr. WRAY. Because I don't believe that's what we did I'm not sure there's anyone that would have made such a decision.

Ms. HAGEMAN. Do you really expect the American public that you were not involved in the decisions related to using social media companies to suppress the First Amendment rights of American citizens?

Mr. WRAY. I can't help what people believe or not. I can only speak to what the facts are.

Ms. HAGEMAN. Was anyone ever fired or otherwise reprimanded for pursuing mass censorship? In other words, has anybody been held accountable for taking the actions that were described in the decision by the District Court out of Louisiana?

Mr. WRAY. Well, the District Court's decision just came out on July 4th as I recall—

Ms. HAGEMAN. Has anybody been reprimanded or held accountable for what has—

Mr. WRAY. At the moment we have issued guidance to everyone in the organization who could be affected as to how to follow that.

Ms. HAGEMAN. Has anyone been reprimanded?

Mr. WRAY. I'm not going to speak to personnel matters because we have not made any such determination at this stage.

Ms. HAGEMAN. Mr. Wray, I have some letters from Lindsay Graham and Rand Paul that were sent to you on April 20th and June 20th requesting a meeting to discuss the Weapons of Mass Destruction Directorate's work investigating the origins of SARS-COVID-19. Your office has never responded to these letters. Do you intend to respond to Senators Lindsay Graham and Rand Paul to find out more information about the origin of COVID-19?

Mr. WRAY. Well, we try hard to respond to all correspondence we get from the Hill. We get a lot. I'll have to check—

Ms. HAGEMAN. So, I assume you will be responding to this?

Mr. WRAY. —but, my intention is that we would have an appropriate response. Sometimes our responses—by longstanding procedure our responses have to go through the department before they go out, so it could be that it's held up there. I don't know that's—

Ms. HAGEMAN. So,—

Mr. WRAY. —I don't know if that's the case in these particular ones, but—

Ms. HAGEMAN. —Senators Graham and Paul should be receiving a response from your office pretty soon?

Mr. WRAY. Some kind of response. As you may know we were the only agency in the intelligence community, until more recently when the Department of Energy did as well, to reach the assessment that in our folks' view we thought—

Ms. HAGEMAN. I understand, Mr. Wray.

Mr. WRAY. —it was more likely to be a lab leak.

Ms. HAGEMAN. OK. Mr. Wray, from the Twitter files, *Missouri v. Biden* disclosures, the Durham Investigation and Report, and exposure and collapse of the Russian collusion hoax, the American people fully understand that there is a two-tiered justice system that has been weaponized to persecute people based on their political beliefs and that you have personally been—that you have personally worked to weaponize the FBI against conservatives.

I asked Mr. Durham about this to which he answered,

I don't think that things can go too much further with the view that law enforcement, particularly the FBI or Department of Justice, runs a two-tiered system of justice. The Nation can't stand under those circumstances.

Director Wray, what are you prepared to do to reform Federal law enforcement in a manner which earns back the trust of the American people?

Mr. WRAY. Well, first, I would disagree with your characterization of the FBI and certainly your description of my own approach. The idea that I'm biased against conservatives seems somewhat insane to me given my own personal background.

As to how we are approaching our work of protecting the American people and upholding the Constitution, it starts with me having emphasized to all our folks over and over and over again in everything we do that we need to do the right thing in the right way, and that means following the facts wherever they lead no matter who likes it.

It starts—then goes on from there to all kinds of enhanced procedures, safeguards, approvals, double checks, triple checks, record keeping requirement, accountability policies, and funding of new functions like an Office of Internal Audit that didn't exist before, the installation of an entirely new leadership team from my predecessor.

Where I can take action, where we can take action to hold people accountable by removing people from the chain of command—

Chair JORDAN. The gentlelady's time is expired. Director, we are going to take a 30-minute break for votes. We will be back—I am going to try to start right at 2:15.

Ms. HAGEMAN. Unanimous consent to introduce statements into the record.

Chair JORDAN. Without objection it will so be entered.

We will start with Ms. Bush and then Mr. Bishop on our side when return. We will stand in recess for approximately 30 minutes.

[Recess.]

Chair JORDAN. The Committee will come to order.

The gentlelady from Missouri is recognized.

Ms. BUSH. Thank you, Mr. Chair, and thank you for being here, Director Wray.

Before I get into the primary topic of my remarks, I want to ask you about a separate issue. On June 16th my esteemed colleague, Ranking Member Raskin of the Oversight Committee, sent you a letter asking the FBI to publicly reiterate certain nonclassified information that it provided in an oral briefing about Form FD-1023 subpoenaed by Oversight Chair Comer.

It has now been almost a month since Mr. Raskin sent his letter. When can he expect a response?

Mr. WRAY. I'll have to check with my staff because we have gotten so many letters from so many Members and that's—each one of them is important to me. As I sit here right now I don't know when the timing is but we'll get back to you on that.

Ms. BUSH. OK.

Mr. WRAY. More importantly, we'll get back to you on that one.

Ms. BUSH. OK. OK. All right. Thank you, and we will followup. OK. Especially because I did ask directly of your staff. So, we'll followup.

Now St. Louis and I are here today in continuing solidarity with the protesters, the advocates, and movements that are actually targeted by surveillance and other law enforcement abuses in this country.

Director Wray, I know that you are aware of the FBI's long and sordid history of targeting Black protesters and activists. At a hearing before this Committee in December 2017 you characterized the abuses related to Cointelpro as, quote,

... one of the darker moments in the FBI's history. It's something we're not proud of, but it is also something we have learned from.

Director Wray, isn't it true that an FBI agent improperly ran a batch query of unminimized FISA information using the identifiers of 133 individuals arrested in connection with the protests after the murder of George Floyd in 2020? Just a yes or no is fine.

Mr. WRAY. Well, I am aware of the incidence you're talking about. Whether that correctly describes it or not I'm not 100 percent sure. I know it's in the most recent FISC opinion.

What I will tell you is that this incident is noncompliance I considered unacceptable and most importantly, it predates all these fixes and corrective measures and reforms that we have put in place, which I think would have prevented it from happening now.

Ms. BUSH. Thank you. Now on to ZeroFox.

Isn't it true a firm hired on a \$14 million contract by the FBI, which we have heard already today, to monitor social media threats previously labeled Black Lives Matter activists as threat actors requiring constant surveillance? Yes or no.

Mr. WRAY. I'm not sure that's a correct description of the way we do work with ZeroFox. I don't know that's a correct description of how we do it.

Ms. BUSH. So, did the FBI hire the firm?

Mr. WRAY. My understanding of ZeroFox is it has a tool which allows us to, in certain instances, engage in social media searches to prevent threats. The specifics of—

Ms. BUSH. So, the FBI—so they were hired?

Mr. WRAY. Well, I don't know, again, the terms of our arrangement, whether it's a retention or what. I've heard the term ZeroFox before and my general experience is it's usually used in connection with preventing violence out of a particular critical incident of some sort.

Ms. BUSH. So, to the tune of \$14 million, though, there is reporting that threat actors was actually what they labeled Black Lives Matter activists, two of whom I know very well, and I served more than 400 days on the ground during the Ferguson uprising myself, more than 400 days, many of those days with those two people that were named and who are not violent.

Isn't it true that the FBI has been actively involved in the law enforcement response to people protesting the Atlanta Public Safety Training Center, a response that has included State charges of domestic terrorism against protesters? Yes or no.

Mr. WRAY. Well, our Atlanta division is working in support of our State and local partners when it comes to violence and threats of violence that occurred amid the unrest that you're referring to.

Ms. BUSH. So, the FBI is involved. These are not isolated incidents and, as I said, they're part of a long history of abuses by the FBI against Black and Brown communities and progressive movements.

These are the real oversight issues. They matter to my district where there is real and justified skepticism of whether the civil rights of Black and Brown people are adequately protected.

I know this from personal experience in the Ferguson uprising and from other protest movements that I have been a part of. That's why I asked you about the targeting of protesters the last time that you were before us because they also included me.

What my district is not concerned about is the Republican conspiracy theories and selective targeting of law enforcement agencies who tried to hold their twice-impeached twice-indicted cult leader Donald Trump accountable. The Insurrection Caucus wants to use this hearing to score immediate political points. They want to evade oversight. They don't want to conduct it.

We're talking about real issues, real reform that can actually save lives. So, once again, I urge my Republican colleagues who claim to care about government overreach and weaponization to do the exact same.

I yield back.

Chair JORDAN. The gentlelady yields back.

I would just remind the lady that what we'd actually likely to do is work with you to protect Americans' privacy whether they've been targeted on the right or on the left.

Mr. IVEY. Mr. Chair? Mr. Chair, point of order. Point of order. Point of order.

Chair JORDAN. The gentleman may State his point of order.

Mr. IVEY. It's not your time.

Chair JORDAN. I appreciate the point of order, and I was just getting ready to yield to the gentleman from North Carolina who—

Mr. IVEY. Thank you, Mr. Chair. I greatly appreciate that.

Chair JORDAN. I appreciate the reminder.

Mr. BISHOP. I want to followup, Director Wray, about the Foreign Influence Task Force. There have been exchanges with Mr. Johnson of Louisiana and Ms. Hageman over that, and I understand the difference. I want to respect the differences in characterization.

Earlier this weekend in denying a stay of its order the Federal Court essentially said this isn't complicated. Follow the law as articulated by the U.S. Supreme Court in the area of the First Amendment and that was it as far as it was concerned.

The Foreign Influence Task Force is not a predecessor's decision. You set that up, right?

Mr. WRAY. Yes.

Mr. BISHOP. You've known about the continuous interaction with social media companies. You've known about—I'm sure you know about testimony of Elvis—agent Elvis Chan, correct?

Mr. WRAY. I don't know everything he's testified to, but I'm aware that he was—

Mr. BISHOP. Did you read his testimony?

Mr. WRAY. I've read parts of it, yes.

Mr. BISHOP. That there were thousands of posts that were flagged by the social media companies. These meetings with social media continued across time on a periodic basis and this court has found—and I understand where the point of disagreement is, I guess, at this stage is and I believe it's fairly common sense—that if you've got constant, expectant suggestions from the FBI to social media companies with respect to social media posts at some point in times it becomes a government decision or it becomes coercive in nature. That's what the Courts preliminarily found. That apparently is the line you decided to walk in setting this up.

Today it's striking that you come in and you sort of casually acknowledge and among other things that we did pass through, I think you said, information from the Ukrainian SBU to social media as if it's normal for the FBI to serve effectively as the agent of a foreign power to help pull information out of circulation to which Americans otherwise would have access because the foreign intel service doesn't like it.

Now, those are my characterizations. I have tried to be a little bit more neutral in my language and you can differ with them. Here's what I'm wondering.

Why would you walk that fine a line with respect to Americans' fundamental constitutional rights at scale especially with knowledge of past abuses by the FBI like Cointelpro?

You said earlier that the FBI wasn't even concerned about disinformation, per se, but the foreign origins of the information. Assuming so, how does that comport with *Lamont v. Postmaster General*?

Mr. WRAY. Well, I'm not going to try to engage on Supreme Court jurisprudence, but what I can tell you is that the—

Mr. BISHOP. Well, that's the point, though, Director Wray, and let me just ask you, do you know about that case? Do you know that case?

Mr. WRAY. I've heard of the case.

Mr. BISHOP. All right. Right in the heart of the cold war at the behest of an American plaintiff—a communist, by the way—the Supreme Court said that Americans have a First Amendment right of access to information even if it is propaganda originating abroad and, in that case, the United States Postal Service could not interdict it.

Do you know that, in essence?

Mr. WRAY. Again, I'm not familiar with the holding of the case. I'd have to review it to be sure that—

Mr. BISHOP. That's seems to me the trouble. I keep wondering as I read all these revelations how that could be. Then let me go to this. That the FBI engaged with the social media companies, continuously warning them of hack and leak operations in 2020—not

2018, by the way, but before the 2020 election—lots of warnings about hack and leak. You're aware of that?

Mr. WRAY. I'm aware that we gave them lots of information about intelligence that we were receiving from some of our intelligence—

Mr. BISHOP. At the time you were giving them those warnings the FBI had the Hunter Biden laptop for more than nine months and—but, of course, Cointelpro itself was the mother of all hack and leak operations.

Leftist activists at the time broke into the FBI's office in Media, Pennsylvania, stole the files, gave them to the media and the newspapers published them. You're bound to be aware of *New York Times Company v. The United States*—The Pentagon Papers case?

Mr. WRAY. Yes.

Mr. BISHOP. That says that even if information had been stolen or inappropriately taken that you can't get a prior restraint in almost any circumstance to prevent their being distributed.

So, how is it that your Foreign Influence Task Force is out warning of hack and leak operations to innocent—not involved in the hack—that would be criminal—but news or social media organizations where information may be circulating?

Mr. WRAY. Well, first, we're not engaging in any prior restraint. Second—the second—

Mr. BISHOP. Wow.

Mr. WRAY. Let me—if I could finish, please.

Second, there is no serious dispute that foreign adversaries have and continue to attempt to interfere in our elections and that they use social media to do it.

President Trump himself in 2018 declared a National Emergency to that very effect and the Senate Intelligence Committee in a bipartisan—overwhelmingly bipartisan way, by the way, not only found the same thing but called for more information sharing between us and the social media companies.

Mr. BISHOP. I hate to say this, Director—I hear you, but it doesn't justify trampling the established First Amendment rights of Americans as the Supreme Court has declared them whether or not, frankly, I agree with them, or you agree with them. I just don't—that's what I don't get.

You come here and the comments are sort of blasé answers. Accountability is always down the road. It never arrives and I'm not trying—I guess I'm joining the gang up.

What I'm concerned about and I think Americans are concerned about is they just never see it. I don't know of an answer other than to take an appropriation from you that's very significant or to do something to take your intel powers away and put them in another agency.

I honestly want to know.

Mr. IVEY. Mr. Chair?

Mr. BISHOP. I think Americans want to know.

I yield.

Chair JORDAN. They sure do.

The gentleman from Maryland who keeps us on time is recognized.

Mr. IVEY. Until it's my turn. Then I'm going to run overtime.

Mr. BISHOP. Wait until he gets his five minutes. Yes.

Chair JORDAN. The gentleman's time is about ready to start.

Mr. IVEY. Thank you, Mr. Chair.

Director, I appreciate you coming in today. I saw a characterization of this hearing as a GOP-FBI grudge match. I must say that the only grudge that's been seen here is from the Republican side.

I think you've done an outstanding job with your testimony today. Even though you've been admitting that there are shortcomings by your office, that mistakes have been made, I appreciate the fact that you are willing to do that because it's not easy for agency heads to do that and also, more importantly, to point out the changes that you've made to try and address those concerns.

I want to say this, too. There are a couple points that have been made here about—you were just talking about the Foreign Influence Task Force and I know there's a lot of talk about this as being some kind of prior restraint or First Amendment violation.

I want to say that I'm on the side that thinks this is a very important tool for the FBI and the U.S. Government to have, especially with respect to potential intervention or interference especially by Russian State actors with respect to American elections.

There are some people who think, and I'm kind of starting to agree, that one of the reasons some of my colleagues are pushing so hard against this and other aspects of information protection within the United States is because they want to have Russian interference in the 2024 election.

Chair JORDAN. Oh, please.

Mr. IVEY. I certainly don't. So, I certainly thank you for continuing your efforts on that front.

There was an issue that was raised about whistleblowers earlier in the hearing and I wanted to bring this up. I know you can't speak to this, Mr. Director, but these are the two checks that were written to some of these witnesses—two of the witnesses that testified here—and they are for over \$250,000.

Now, they came after they gave their testimony I think by a few days. From my perspective, this is something that the American public should know when they evaluate the testimony of these individuals. Hopefully, I don't know if the majority knew about this, but didn't disclose it at the time or what was going on with it.

In my book, this really brings the credibility of these witnesses' testimony into question, and I think we should keep this in mind when we evaluate the allegations that they've made.

I also want to say this, too. My Republican colleagues have come a long way from the law-and-order days of the Republican Party back when I was a kid. Now, we're a defund the FBI, I think one of them selling T-shirts to try and raise money using that slogan.

Another colleague is talking about abolish the ATF. Another one wants to say defund the Department of Justice. As you mentioned in your testimony earlier, the FBI is doing a lot of great work protecting the country from terrorism, foreign intelligence threats, international cartels. There are weapons of mass destruction that you mentioned in your testimony. I appreciate that.

Also, there has been a great deal of talk about the domestic terror threats. For me the planned attempt to kidnap the Governor

of Michigan and apparently kill her was showing to the extreme and I appreciate the fact that you were able to intervene on that.

I want to say this quickly, too. I'm running short on time. The misinformation and weaponization claims that have been made by my Republican colleagues I want to offer these two articles.

One is called—it's by Aaron Blake of the *Washington Post*, "All the ways Trump, not his foes, sought to weaponize the government," and then another one—this is Philip Bump. This is on the *Missouri v. Biden* case, which was quoted extensively at the beginning of the hearing, "A deeply ironic reinforcement of right-wing information."

The point of this article is that the *Missouri v. Biden* decision, which—and I know you can't comment on it because it's pending litigation, but I also think it's being challenged by the Department of Justice and rightly so because it's riddled with factual inaccuracies and legal inaccuracies as well.

One other article for the record—this is by Leah Litman and Laurence Tribe, "Restricting the government for speaking to tech will spread disinformation and harm democracy." I'd like all those admitted.

Then, last, with respect to the Hunter Biden issue there's a letter from Abbe Lowell, who represents Mr. Biden—this is to Representative Jason Smith, but I think also to Chair Jordan as well—that raises the push back on the allegations that points out that the investigation began during the Republican Trump Administration, was supervised by two Republican Attorney Generals, was carried over by a holdover Republican U.S. Attorney.

The last point I want to make—I promise I won't run over my time much—I happen to represent the district where we contain two of the sites where the FBI headquarters could be moved to.

The Chair made a reference to maybe not wanting to fund the move, but I must say I think I had an office near your building that got nets around it to keep parts of the building from falling down and hurting pedestrians. If the move is important and also would give you a chance to consolidate hopefully, you'll bring it to Prince Georges County, and we'll save \$1 billion for the taxpayers.

With that, I yield back.

Chair JORDAN. The gentleman yields back.

The gentlelady from Indiana is recognized.

Ms. SPARTZ. Thank you, Mr. Chair.

Director Wray, the FBI's mission is to protect the American people and uphold the U.S. Constitution, correct?

Mr. WRAY. Yes.

Ms. SPARTZ. OK. So, we had a couple of years ago—it was in hearing and I actually looking in all the concerns and I've seen was really warrantless surveillance and abuses of Section 702 of FISA.

I compared the agency to KGB, and spending two years on this Committee reading a lot of reports, now doing a lot of hearings I'm really shocked that your agency is involved not just unlawful surveillance of American citizens, intimidation of American citizens, censorship of American citizens, potential coverups of convenient political figures, potential setups of inconvenient political figures, and a lot of my colleagues has a lot of questions.

I think when we look at that and, unfortunately, we haven't been doing our job authorizing spending which was not authorized by our Committee already for over a decade, we're going to have this serious conversation and including reauthorization of Section 702.

I want to talk about some other issues that you mentioned about that my colleagues were talking about and you mentioned that you focus on malign foreign actors.

So, in Durham Report, which describes 2020, he states, and this is a quote,

Steele's sources could have been compromised by the Russians. FBI never gave appropriate consideration to the possibility that the Steele Report was Russian disinformation.

No vetting happened. You have some falsified FISA court application. You have some very shady confidential human sources that you can pay for them. Nothing was vetted. Some of your head of counterintelligence division was accused of taking money from a Russian oligarch just recently this year.

So, you said all those bad. Now, we go to 2022. Your agency is involved with SBU, security service of Ukraine to actually provide information to big tech to censor, just use, of American people. No vetting, it seems, is happening. This is information.

Actually, a lot of this information was pro-Russian against Ukraine and pro-Putin. Your agency just passed it along. It seems like nothing happened. It's interesting for me that when I raised some issue actually the beginning of July and what's happening in Ukraine, I don't have any confidential human sources, just using common sense and intelligence that something is wrong happening in Ukraine. It seems like there was a lot of infiltration. I was attacked—oh, my gosh, how can you question.

Well, strangely enough, after me raising this question in the middle of July President Zelenskyy fired his SBU top guy, opens over 600 investigations as potential infiltration by Russians and then fire a lot of other people for corruption. An anticorruption prosecutor was suddenly installed.

What is really interesting for me, is how could you have these processes, and are you doing actually any investigation to look? Because it seems to me, as I understand you still have our agencies working with SBU with coming from KGB time and FSB time has a lot of potential to have this infiltration. Are you doing any investigations on those issues?

Mr. WRAY. Doing investigations on—

Ms. SPARTZ. Yes, to look at that, why we're doing unvetted information we're taking from SBU which actually was infiltrated and given to censor Americans to our big tech companies. Are you looking into that as an agency?

Mr. WRAY. I'm not sure there's an investigation that is directly on point to what you're saying. Certainly, the SBU is an agency that we have worked with for a long time.

Ms. SPARTZ. So, we're not doing an investigation. So, did we change the processes now since we know your guys work with SBU, SBU was infiltrated by Russia and big tech was censoring American citizens. This unvetted information that actually was provided by Russians did you change any processes or it's still hap-

pening? You have some of the same processes that happened? Is this still happening now?

Mr. WRAY. Well, the engagement that we had with SBU was during—

Ms. SPARTZ. I'm talking right now.

Mr. WRAY. Yes.

Ms. SPARTZ. Because recently some of your agents had actually a joint meeting and they were bragging how their top corporation was SBU. Did you change processes?

Mr. WRAY. I'm not sure what processes you're talking about.

Ms. SPARTZ. To vet information.

Mr. WRAY. Yes.

Ms. SPARTZ. What's happening?

Mr. WRAY. Again, during the period at the beginning of the invasion—

Ms. SPARTZ. No. No. I'm talking right now. Do you change—do you vet information that you get from agencies like SBU? I mean, I don't know. If we're trying to—are we being stupid? I understand—are we being infiltrated by Russians or corrupt?

I don't understand why we're not vet information was such a real challenge in the agency. So, are you changing anything of that? I would like to have a briefing or something on this because if you're not looking at it, I have a huge problem with that.

Mr. WRAY. I'm happy to try to see if we can arrange to get you a better briefing on the subject.

Ms. SPARTZ. Because this is a serious national security issue. I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from South Carolina.

Ms. JACKSON LEE. Thank you, Mr. Chair.

Oh, I'm sorry. The gentlelady from Texas is recognized.

Ms. JACKSON LEE. Thank you so very much, Mr. Chair, the Lone Ranger on this side.

Chair JORDAN. Thanks for sticking with us.

Ms. JACKSON LEE. We appreciate you for a moment and all my members.

Let me just quickly indicate that I have a document that is a tweet that is—I'm wanting to submit it into the record. Two of the Republican witnesses were gifted \$255,000 checks—\$255,000 in checks immediately after they testified before this Committee. It seems to be quid pro quo.

The fact of—the tweet that I'm submitting from Mr. Kyle Seraphin says the fact that Mr. Allen has not yet cashed the check is not that he did not receive the check. So, I submit in the record the tweet from Mr. Seraphin who indicated that two gentlemen, Garrett and Marcus, receiving a check of—

Chair JORDAN. Continuing your attack on whistleblowers, without objection those are—those are—

Ms. JACKSON LEE. Just for clarification, Mr. Chair.

Then finally, the Federal Bureau of Investigation and Department of Homeland Security's strategic intelligence assessment and data on domestic terrorism dated October 2022, Appendix A—the document itself, Appendix A, Appendix B, and the categories of domestic violence extremism.

Chair JORDAN. Without objection.

Ms. JACKSON LEE. Your kindness is appreciated. Thank you very much.

Chair JORDAN. Thank you. The gentleman from South Carolina is recognized.

Mr. FRY. Thank you, Mr. Chair.

A few weeks ago, Special Counsel Durham confirmed the FBI had bias against President Trump and took unprecedented steps to go after him during the 2016 Presidential Election.

The Durham Report showed:

- (1) The FBI did not have an adequate basis to launch the investigation;
- (2) it didn't verify or examine all the evidence; and,
- (3) the FBI was politically charged against then candidate Trump.

This, of course, was before your time. Here we go again. In August 2022, the FBI raided the personal residence of President Trump. This unprecedented raid was a shocking escalation in what we talk about with the weaponization of the Federal government against political opponents.

Our country is almost 250 years old. We have had 46 Presidents. This is unprecedented and when we say it's unprecedented, we mean it. This has never been seen before in our country's history. Just like we saw in the Durham Report, the FBI did not follow traditional protocols and this investigation was chock full of abnormality.

So, I kind of want to go into those a little bit. Director Wray, as you know, the Committee recently conducted a transcribed interview with Steven D'Antuono, the former Assistant Director in charge of the FBI's Washington Field Office. He has over 20 years of FBI experience and he expressed some strong concerns with your department's handling of the case, the DOJ's handling of the case.

The first abnormality deals with the FBI office, that they conducted the raid themselves.

Director Wray, generally speaking, which FBI office oversees Palm Beach, Florida?

Mr. WRAY. The Miami office has an office in Palm Beach. To the question you're asking it is not unusual for a field office that is investigating the case to send the case team down to be involved in conducting the search.

Mr. FRY. President Trump's residence is in Palm Beach, Florida. Is that correct?

Mr. WRAY. Yes.

Mr. FRY. Director Wray, did the Miami field office conduct the investigation and search at Mar-a-Lago?

Mr. WRAY. The Washington Field Office conducted the search, although I think there was some assistance by people from Miami.

Mr. FRY. It was primarily run out of Washington and not the Miami field office?

Mr. WRAY. Which was the case team that had opened the investigation based on a referral—

Mr. FRY. Did the FBI headquarters—

Mr. WRAY. —based on a referral from the National Archives, which is in DC.

Mr. FRY. Did the FBI headquarters in Washington instruct the Washington Field Office to start that investigation and that raid at Mar-a-Lago?

Mr. WRAY. Well, the investigation was opened in the field by the Washington Field Office.

Mr. FRY. Right. So, it was not Miami. It was Washington.

Mr. WRAY. Which the Washington Field Office opened the investigation based on a referral from the National Archives, which is also in DC, so that made sense.

Mr. FRY. Who made the decision to have the Washington Field Office execute that search warrant rather than the Miami field office?

Mr. WRAY. I can't speak to the specific individual. As you know, this is an ongoing case and internal deliberations are ongoing on the case.

Mr. FRY. We're not asking about—I'm not asking about the facts of the case. I'm asking you about who made the call to go to Washington and use the Washington Field Office as opposed to Miami. Would that had been you?

Mr. WRAY. Well, no. The Washington Field Office opened the investigation because they're the office where the National Archives is, which is what referred the investigation and kicked off the whole investigation.

Mr. FRY. Director, on May 15, 2023, the FBI, your special counsel—or excuse me, not your special counsel, your general counsel—sent a letter to Special Counsel Durham in response to his report. In that letter the FBI wrote, quote,

FBI executive management has instructed investigations to be run out of the field and not from headquarters.

So, despite the location of the search occurring in the territory of the FBI's field office the Washington Field Office instructed the raid. This is inconsistent with the FBI's statement from two months ago.

I want to move on to a second abnormality.

Mr. WRAY. Sir, I'm sorry. It's actually not—it's not—

Mr. FRY. I've got 1 minute left. I've got 1 minute left, Director. Now, is it normal for a U.S. Attorney to be assigned to an investigation—a high-profile investigation?

Mr. WRAY. Well, that's a decision that's made over at the Justice Department as to how they allocate responsibilities.

Mr. FRY. That's normal protocol. Is that correct?

Mr. WRAY. There are investigations, prosecutions in cases that are handled by main Justice. There are trial attorneys there. Again, I only speak to the FBI's decisionmaking, not to the Justice Department.

Mr. FRY. A U.S. Attorney was not initially assigned to this investigation, were they?

Mr. WRAY. I think that's correct. Again, I would refer you to the Justice Department for any questions about what—U.S. Attorneys versus main Justice.

Mr. FRY. The third abnormality that I find really troubling—probably the most troubling, quite frankly, is the FBI did not first seek consent to search the residence, did they?

Mr. WRAY. Well, there is a fairly detailed filing in court that goes through in fairly excruciating detail the process that was followed that led up to the execution of the search and it goes through in great detail the efforts that were made to secure documents and because this case is now pending and moving forward in Federal Court I want to respect that and not engage in more discussion beyond. I will refer you to the filing—

Mr. FRY. You can hear the frustration, Director Wray.

Mr. WRAY. —which lays out in great detail, the answer to your question.

Mr. FRY. Here's the frustration that I see, Director.

The Durham Report laid out very clearly that in cases just in general that you cross every T and dot every I, that this was not done here. You didn't run it out of the field office. You didn't have a U.S. Attorney assigned to the case.

Senior officials did not listen to people on the ground as the testimony of Mr. D'Antuono talked about. You didn't ask for a consent from their attorney. You didn't ask for a consent search despite the President having cooperated and handed over documents for a long period of time, and you refused to wait for President Trump's own attorney to get to Mar-a-Lago to do this with you.

So, what has changed since Durham? You've acknowledged this in 2023 that things should be run out of the field, that you've made internal process changes, but nothing has really changed since 2016 and that's my big concern.

With that, I yield back.

Mr. WRAY. I could not disagree more, but we'll just have to disagree on that one.

Chair JORDAN. Well, here's what he said. This is questions from the Democrat lawyer in the depositions to Mr.—in the deposition of Mr. D'Antuono—"Can you explain to the attendees here why the case was not assigned to, for example, the Miami field office?" and Mr. D'Antuono's answer was, "I have absolutely no idea."

Then they said the investigators handled it differently and he said—his answer was,

It was handled differently than I would have expected to be than any other case is handled.

So, I think that was the Member's point and that's the concern that we have in spite of the letter we got from your general counsel.

The Chair now recognizes the gentleman from Texas for five minutes and then we'll go to Wisconsin.

Mr. HUNT. A recent poll found that 37 percent of Americans have a positive view of the FBI and that's from an NBC poll. I wouldn't exactly call that right media propaganda and I think I know why.

Here's what the American people know and believe about the FBI today, sir. If you are a Trump, you will be prosecuted. If you are a Biden you'll be protected, and the American people that I represent are sick and tired of this double standard.

It seems like every single hearing that we have in this room we talk about the two-tiered justice system of Biden's DOJ and the FBI and, as we were talking earlier, here we are again.

President Trump endured an unprecedented raid at his home in Mar-a-Lago. President Biden's home, however, was respectfully browsed.

President Trump is facing up to 400 years in Federal prison for allegedly being in possession of classified documents he obtained as the Commander in Chief of these United States of America and meanwhile President Biden is facing no charges for the classified documents he had held at his time as a Senator and a Vice President, not the President of these United States of America, and last I checked he had no legal authority to declassify those documents.

Assuming President Trump was in possession of some classified documents would those documents be more secure surrounded by Secret Service at Mar-a-Lago or in a box in a garage behind your Corvette? You don't have to answer that question.

A question for you, sir. What can you tell us about the status of the FBI's investigation of President Biden's classified documents found next to his Corvette in Delaware and those found at the Penn Biden Center? Do we have an update on that, sir?

Mr. WRAY. What I can tell you is that there is an ongoing Special Counsel investigation led by Mr. Robert Hur and we have FBI agents affiliated with it, working on it, working very actively and aggressively with him on that case.

I, obviously, disagree with your description of the two standards. In my view, at least under my watch we have one standard—

Mr. HUNT. OK.

Mr. WRAY. —and that is we're going to pursue the facts wherever they lead no matter who likes it, and I add that last part because especially in sensitive investigations almost by definition somebody's not going to like it.

Mr. HUNT. So, I understand that and that's actually why I led with the sentiment of the American people. I understand that sentiment.

Mr. WRAY. So, let me—

Mr. HUNT. I do want to finish this. So, I want everybody to talk about this dichotomy that we have seen. I get your point, sir, but that's just not what we see as the public as We the People.

We see one case being fast tracked and one case being slow walked. We see one person's home being raided; the other person's home being kindly searched. You have one government agency—the Secret Service—protecting the former President and his home and another government agency—the FBI—raiding the same home.

Now, to me, sir, that's tragically ironic and we expect more from a functional Constitutional republic and these things shouldn't be happening.

Now, it's my opinion that Joe Biden is the most unpopular President we have seen in a century and that's why he knows the only way to stop President Trump from beating him in November is by putting him in jail.

You talked about this, Mr. Fry. In the 247 years of this existence of this great Nation only one President has ever been indicted by the DOJ and his home raided by the FBI.

Now, some have said that President Trump's indictment means that no one is above the law. OK. All right. I would love to see that.

What about Hillary Clinton and what about Joe Biden and what about Hunter Biden, who was America's favorite son?

Let me tell you something. I got a four-year-old daughter and a two-year-old daughter at my house. Hunter Biden, to me, is like glitter. He is on everything, and you cannot get rid of him, and yet nothing is going to be done about this and we're sick of it.

James Comey decided not to prosecute Hillary Clinton despite overwhelming evidence that she committed crimes, and as I recall it was the position of the FBI to not prosecute because they didn't want to interfere with a Presidential Election.

What do you call this? The Iowa caucuses are in six months. Six months. I think the American public would expect to see this from Cuba, Venezuela, Russia, and China, but not here.

The people expect us to have blind justice. They expect equal justice under the law. It is not the job of the DOJ or the FBI to prosecute Joe Biden's top political opponent who was leading in every single primary poll and the Iowa caucuses are in six months.

Let the people decide. It's our job to uphold the Constitution. As a West Point grad, a military veteran, this is the Constitution I'm giving my life to protect, and I expect us all to uphold it likewise.

Thank you so much for being here.

Mr. WRAY. Mr. Chair, may I briefly respond?

Chair JORDAN. Sure.

Mr. WRAY. So, first, as to the investigations related to Ms. Clinton, as you noted that happened under my predecessor, and I'm not going to either speak for or defend that decision.

Mr. HUNT. I recognize that. I recognize that.

Mr. WRAY. Second, as to your descriptions of the investigations related to Hunter Biden, as you know there is an ongoing investigation being led by the Delaware U.S. Attorney appointed by President Trump and we are actively working on that investigation with him.

Mr. HUNT. Well, we look forward to seeing the result of this quickly and swiftly.

Mr. WRAY. Third and finally, to your point about the American people and their views, I worry less about *NBC* polls or polls by any other news outlet. I will tell you that the number of people in Texas applying to work for us since I've been in this job has gone up 93 percent and, in fact—

Mr. HUNT. I'm not going to quote Mr. Gaetz. I heard the responses earlier.

Mr. WRAY. In fact, we have—

Mr. HUNT. That's great.

Mr. WRAY. —more applicants from the State of Texas annually in the last several years than any other State in the country.

Mr. HUNT. That makes sense because Texas is the greatest State in the country.

Mr. WRAY. Then I think that speaks very well of the view of Texans about the FBI.

Chair JORDAN. Director, are any agents who served on the Cross-fire Hurricane investigation or the Mueller investigation—are any of those agents on Mr. Hur or Mr. Smith's special counsel team?

Mr. WRAY. I don't believe so, but I can't from the top of my head go through the list of—there's a lot of agents involved in the two

investigations and so let me check into that and see if there's any way we can get back to you on that because I don't want to get out over my skis.

Chair JORDAN. Thank you. The gentleman from Wisconsin is recognized for five minutes.

Mr. FITZGERALD. Director Wray, thanks for being here today.

On June 21st, the Committee heard testimony from Special Counsel John Durham. Have you reviewed his findings, and did you dispute any of those?

Mr. WRAY. I have reviewed them. It is a big multi 100-page binder sitting to my right on my desk and I refer to it frequently.

I can't say that I'm aware of anything specific that I would dispute in it. I would certainly—as you may know, not only did we fully cooperate with him in the investigation, as he noted in his report, but I actually assigned a bunch of agents and FBI personnel to work on it with him to help him and I'm very proud of the fact that the reforms that we have put in place in response to the inspector general's investigation, also in the Crossfire Hurricane as well as some other changes that we made working closely with Attorney General Barr.

If those reforms had been in place back at the time that all this stuff that Special Counsel Durham found, I don't think any of this would have happened.

Mr. FITZGERALD. So, the confirmation bias which was brought up time and time again when Durham was here before the Committee you feel those have been addressed? I think Jason Jones says that he put together a letter and that includes a lot of that information. Do you feel it's adequate or—

Mr. WRAY. Well, I'm ambitious by nature for us as an organization so we're constantly looking for more things we can do. I'll give you an example on this issue of bias because I think it's so important.

One of the things that I did as FBI Director, and I did this a couple of years ago and this, frankly, was in reaction in many ways more to both the Hillary Clinton investigation as well as the Crossfire Hurricane investigation—was that I put in place training for the entire workforce that focused specifically not just on the importance of avoiding bias, but the importance of avoiding even the appearance of bias.

One of the things that I did to make sure that I was sending that message was that rather than like what normally happens in a bureaucracy where all the training gets saddled on all the folks on the front lines right out of the gate, I started with the top 200–300 or so people in the organization, brought them all to Quantico for an entire day's stand down.

We heard from the Federal judiciary, the Inspector General, the Hatch Act Office of Special Counsel, and the whole point of it was the importance of not just objectivity but making sure that we are faithful to the appearance of objectivity as well.

Then we had a smaller version of this that went out to the whole workforce. The idea was to send the message that everybody at the top has to take the medicine first.

Mr. FITZGERALD. So, there's two other things that were in there. Serious lack of analytical rigor was one of the other things that

Durham brought up numerous times, and then I'll just—there was a noticeable departure from how it approached—how the FBI approached matters involving possible attempted foreign election interference plans amid, as you just brought up, at the Clinton Campaign.

So, the question would be: Has the FBI protocols surrounding investigations—I want to know specifically in the Presidential Campaigns what's the policy now? We're on the verge of another nationwide election and I'm wondering is there anything specific in writing that you could inform the Committee of this afternoon?

Mr. WRAY. Well, we have put in place a whole slew of reforms that help to try to mitigate against the kind of concerns you're raising. Whether there's a specific one that I would think is kind of—I don't think there's any one that's a single silver bullet.

I know that Attorney General Barr and I put in place certain reforms that dealt with particularly sensitive investigations and approvals that would have to be required before anything like that could happen. I know that was very important to him and we worked together on that.

We have a whole slew of additional approvals, sign offs, triple check safeguards, et cetera, that go into a lot of these kinds of issues. When you raise the issue of analytical rigor, obviously, that's—I talk about rigor.

I bet my folks would tell you they hear the word rigor coming out of my mouth probably every single day and that is something that we're always aspiring to get better at.

Mr. FITZGERALD. So, if you had somebody within the FBI that you found out was involved in trying to manipulate or rig an election, especially at the national level, how would that be handled by the FBI? How would you handle it as the Director?

Mr. WRAY. Well, it obviously would depend on the specific facts as to exactly what it is the person was doing. Accepting your premise, that's the kind of thing that would have the person referred to our disciplinary process.

Mr. FITZGERALD. To be fired or terminated?

Mr. WRAY. The process would play itself out. We have a whole offense code that goes into what different rules we have and different punishments and there's a whole complicated system that goes into the disciplinary process. Our disciplinary process is, for the most part, I think, one of the better ones in Federal law enforcement. There is a process that we have to follow.

Mr. FITZGERALD. Has anybody that was involved in that type of action in the past been disciplined for that at the FBI?

Mr. WRAY. Well, let me answer that this way. Obviously, former employees—the important point here is that all the senior managers in any way involved in the Crossfire Hurricane investigation are all gone from the FBI for a variety of reasons in a variety of ways.

To the extent that there's anybody left you're talking about a small handful of currently line level employees, all of whom have been referred to this disciplinary process. That process, as you may have heard me say in response to an earlier exchange, as is typical working with Special Counsel Durham we had put that kind of on

a hold until he could finish his case because the criminal case had to come first, and that process is now fully underway.

Again, you're talking about a few relatively line level people where we erred on the side of inclusion so anybody who touched it we sent them to the process, and we'll see where that plays itself out.

The key point is that all the main players, if you will—the senior people—are all gone. I put in place an entirely new leadership team.

Mr. FITZGERALD. Very good. I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Oregon is recognized.

Mr. BENTZ. Thank you, Mr. Chair, and thank you, Director, for your patience.

So, you're very, very good at your job as illustrated by the last four hours and I just want to say that you're way better at defending than you are at explaining what you're going to do about the problems that led to your dismal public profile.

I wish it was better, but I have the most recent poll here from—I think it's from Harris. Yes, it is—the Harvard CAPS Harris poll. Seventy percent of respondents said that they were either very or somewhat concerned about interference by the FBI and other intelligence agencies in elections. Seventy-one percent agreed that changes post-2016 had not done enough to prevent further interference and that wide ranging reform is still required.

Now, I also—pretty interesting article, the Inquirer I see damning the Durham Report and I'll just read from you this quote from Mr. Durham.

The promulgation of additional rules and regulations to be learned in yet more training sessions would likely prove to be a fruitless exercise.

So, you must have done something more than promulgating additional rules and regulations because, to me, that doesn't do much at all when we're going to an issue that probably is cultural.

To that end, I just want to share with you some of the things I hear from my sheriffs across my 20 counties. So, I have 20 county sheriffs. In fact, one of my brothers used to be one for 15 years.

So, I called him—my brother—and I said, hey, what was your experience with the FBI? He said, they're very qualified but when they appear you know you have to be aware that part of their job is to enforce Section 1983, and he pointed that out just because there's a constant tension between FBI and local law enforcement. Would you agree?

By the way, when you go out and you talk to sheriffs nobody's going to say to the Director of the FBI, we don't like you. Why would they do such a crazy thing? They want your help.

By the way, I asked for your help down in southern Oregon against all the drug cartels and to your credit and your office out of Portland's credit you did your best to help. You don't have very many people there, but you did your best to help.

For you to come in here and say, I've never heard from a sheriff that we're doing a bad job, well, no, you haven't. Now tell me, am I wrong? Am I saying that sheriffs would just walk right up to you and say you're doing a bad job? How many have said that to you?

Mr. BENTZ. You have done your job today to defend your agency, and good for you. It is not what we are here today. I want to go to Durham's, page 228 of his report, and this is going to the heart of what your problem, part of your problem may be. He is making his observations; he is very careful to protect you. He says, in making observations, we are mindful of the benefit of hindsight. Then he says this:

Some employees, FBI employees who were interviewed by our investigators' advice, they had significant reservations about aspects of Crossfire Hurricane and tried to convey their misgivings. Others had doubts about the investigation did not voice their concerns.

In some cases, nothing has been said because of a sense there had to be more compelling information in positions closest to the—and still other and current former employees who maintained they did their best to take reasonable investigative steps and acted within your procedure and guideline.

What I am getting at here is I don't think people within your organization are comfortable calling out negative things. I don't think they are, and I wouldn't be either. I would be worried because I look at what happens to whistleblowers and others. I would go, oh, man, this is not a safe place to be, I am going to keep my mouth shut. I think that is not a good thing for your agency.

You know where it starts? It starts with actually admitting that you have got a problem, and I don't think you are very good at that either. I am going to your testimony, page 13. You might want to look at it. I am sure you wrote it, so you probably don't have to. On page 13, the last paragraph, you write: "To be sure, nobody more deeply shares members' concerns regarding past FBI"—and here is the words—"compliance violations." Compliance. Is that all they did? Aren't there a whole bunch of better terms? I went to ChatGPT to find out, and I found these words that might have been better. I am really asking you is that all they did? Didn't they break a law? Didn't they do something more than failure to comply? I am asking you. If the culture is the issue, doesn't the leader have to at least call out bad acts a little more aggressively is my question.

Mr. WRAY. First, depending on what the violation is, that may or may not be the right description. Some of the things that have happened in the past are things that I have deplored in the strongest possible terms. Some of the things that have happened in the past I think are described as compliance violations. So, there is no one description that fits everything that has gone wrong at the FBI over the last five or 10 years.

My language, in general, tends to be fairly measured. I think that is a fair statement about me. Some people refer to me as low key, but no one should ever mistake my demeanor for what my spine is made out of. I have made very clear to our people over and over and over again that I expect them to do their work in the right way with rigor and objectivity.

As to FBI employees' willingness to speak freely and to complain, much like our exchange about sheriffs, I will tell you your description of our employees doesn't fit with my experience. When I get out to all 56 field offices, one of the things that I do, especially on this last round, my second round, was to meet with employees

without their executive management present, just me and them, including people who are retirement eligible. We have a term, an affectionate slang term for people who are retirement eligible. It is called KMA. You can guess what KMA stands for, and it reflects their ability, because their retirement eligible, to be able to speak freely. They complain to me about all kinds of things, and we have a very lively conversation.

So, I am quite confident that my employees feel comfortable talking to me about problems and things that we need to fix. My demeanor is part of what you are—

Mr. BENTZ. Forgive me for interrupting, but my time is over. I want to thank you for your candor, and I yield back.

Chair JORDAN. The gentleman yields back. The gentleman from New Jersey, Mr. Van Drew, is recognized.

Mr. VAN DREW. Thank you, Mr. Chair. Director Wray, thank you for being here. Believe it or not, I am basically just a simple country dentist, but I do know my dentistry. One thing I know about are abscesses. If you have an abscess, you can have a mild or moderate one and you treat it with antibiotics and warm salt rinses and, in a week to 10 days, it will be better.

If you have a severe one, I am going to take a scalpel to that abscess. You have got to cut it open, and you have got to let the pus, blood, and the gas drain out. If you don't, that abscess will travel. It will travel to the patient's brain possibly or their heart, and it definitely can kill them. That is the type of infection that I feel is within the FBI today. It has gotten so deep that we need to get in there with a metaphorical scalpel before it kills our Nation. We need real structural change, and this Committee is that metaphorical scalpel.

A clear sign of the rot is a memo where your agents, and I know you say you feel bad about this, too, but nevertheless, and I don't think you like to talk about it, but your agents in a field office attempted to spy on Catholic churches and their congregations and frame them as extremists. This is unbelievable. How do we get there? Who exactly are the Catholics you are going to go after here or they were going to go after? The charitable men of the Knights of Columbus that help their communities, that help charities, that help people in every way they can, or maybe we meant the folks that are fighting for the sanctity of life, or are you talking about those who hold true to their beliefs rooted in the traditional values and teachings of the Catholic faith?

As a Roman Catholic myself, and I believe you are, as well, I was deeply, deeply disturbed by this memo. It is shameful it was only rescinded after, basically, it got leaked to the public. That should scare each and every American from parents at school board meetings to grandmas clutching their rosary beads. The misguided priorities of our intelligence community put every American at risk, and it is wrong. It is un-American, and it undermines two of our most important tenets: Freedom of speech and freedom of religion. It is what our Nation is built on.

Director Wray, you work for the American people. They pay your salary. They pay all our salaries. They don't work for us; you work for them. You are supposed to protect them from the bad guys, and now many feel they need protection from the FBI.

I have a few questions here. Despite multiple requests, why hasn't the FBI produced an unredacted copy of this memo that really outlines this? It isn't public security, it isn't national security, and it isn't public safety. This is an internal thing that you did that was wrong, and we, as a Committee, this Committee, have a right to look at it. When are we going to get it? Why haven't we gotten it already? Unredacted.

Mr. WRAY. We redact information for a variety of reasons that cover various rules that apply to us—

Mr. VAN DREW. Sir, I want to know why this one—I don't know about the rules. I told you, man, I am not a lawyer, all right. You know what I want to know? I want to know why we don't know what happened here, that people in their churches had to worry, and it isn't something that is going to affect national security. So, whatever damn rule it is that you have, we should change that rule because when something like this happens and it isn't a matter of national security, then we should know. So, I would like to know when we are going to get it. I would like a date certain.

Mr. WRAY. What I can tell you is that we are almost done with our internal review and, as I said to the Chair, we are going to be providing a briefing to the Committee on what the internal review—

Mr. VAN DREW. When?

Mr. WRAY. It should be later this summer.

Mr. VAN DREW. Why do we need your internal review? Good you are doing an internal review. You should do a lot internally. Why don't we get the information when we ask for it, when we subpoena for it? We clearly are not creating any risk to our Nation or national security. You could give us that tomorrow. Why don't we get that part tomorrow, and then you can give us your briefing on the internal review?

Mr. WRAY. As I said, we are going to give you a briefing on the internal review, and then we can discuss additional information that may—

Mr. VAN DREW. Because you are going to try to shape it differently and make it out that it was kind of OK.

Mr. WRAY. No. On that, no. I will tell you that I am not going to defend or excuse that memo—

Mr. VAN DREW. I understand you said that. Simply yes or no. These are really easy questions. Has the FBI created or maintained any list of Roman Catholic churches, yes or no?

Mr. WRAY. Any list of Roman Catholic churches?

Mr. VAN DREW. Correct.

Mr. WRAY. Well, we're certainly not targeting any Roman Catholic churches.

Mr. VAN DREW. Well, they were, they were. The field office was since we found out.

Mr. WRAY. No—

Mr. VAN DREW. As a yes or no, do you have a list? If you don't have a list, it is easy to say no.

Mr. WRAY. We have 30,000 employees. We engage with churches of all kinds—

Mr. VAN DREW. So, you may have a list of churches that you are looking at for—

Mr. WRAY. No, no, no, no, no, no, not for possible investigation.

Mr. VAN DREW. How about Russian Orthodox churches?

Mr. WRAY. Same answer.

Mr. VAN DREW. Greek Orthodox churches? Tell me yes or no. Evangelical churches? Tell me yes or no.

Mr. WRAY. We do not maintain—

Mr. VAN DREW. Yes or no.

Mr. WRAY. Excuse me?

Mr. VAN DREW. Please answer yes or no.

Mr. WRAY. It is not a yes or no question.

Mr. VAN DREW. It is a yes or no. If you have got a list of churches that you are targeting and looking at, the answer is yes. If you don't, the answer is no.

Mr. WRAY. If your question is do we have a list of churches that we are targeting, then the answer is, no, we do not have—

Mr. VAN DREW. How about Jewish synagogues, yes or no? Same question.

Mr. WRAY. We do not maintain any kind of list of religious institutions that we are targeting because we are not targeting religious institutions.

Mr. VAN DREW. Let me tell you, it is a sorry State of affairs that these questions are questions I have to ask, and it is a damn shame to see what has become of our once universally respected FBI. We need structural change. Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back. Director, the five individuals who signed off on that memo, have any of them lost their security clearance during this internal investigation?

Mr. WRAY. I don't believe anybody has lost their security clearance, but, again, we have an internal review pending, and I will let that finish and come to its conclusion.

Chair JORDAN. How did you become aware of the Catholic memo that the gentleman just referenced?

Mr. WRAY. How did I become aware of it?

Mr. JOHNSON of Georgia. Point of order, Mr. Chair.

Chair JORDAN. The gentleman may say his point of order.

Mr. JOHNSON of Georgia. Whose time is the Chair consuming with his—

Chair JORDAN. I thought that the Committee—it is not a point of order. The Chair now recognizes the gentleman from Texas for five minutes.

Mr. NEHLS. Thank you, sir. I will say this, Mr. Wray, I am one of those sheriffs that will be very blunt with you today. I have had an opportunity to look at your testimony, lots of stuff, and hear about numerous task forces, crimes being committed against children, including even infants and toddlers; MS-13 gang members coming across the open Southern border; the poisoning and killing of the American people with fentanyl; the sex trafficking; and the human trafficking. It is quite clear, it is clear that you guys are dealing with some of the sickest bastards in our society.

I have an article here from *CNN* in January 2022 calling the January 6th investigation the biggest investigation in FBI history, and what shocks me about this, quite honestly, is that you don't mention January 6th, again, the biggest investigation, not one time

in your 14-page testimony. You don't mention it one time, and that makes me ask myself the question what the hell are you hiding?

Sir, you mentioned 38,000 agents and support personnel in your agency. How many FBI agents and support personnel have you assigned to the January 6th investigation?

Mr. WRAY. I don't know that I know the number. I know we have a lot of people working on it and—

Mr. NEHLS. OK. Lots. Fair enough. Lots. Knowing that you are dealing with some of the sickest people in our society with investigations related to child sex trafficking, have you reassigned any of these agents or personnel to investigate January 6th, yes or no?

Mr. WRAY. I don't believe we have reassigned people away from child exploitation—

Mr. NEHLS. OK. Now, let me just say this, Director—

Mr. WRAY. —to January 6th, to my knowledge.

Mr. NEHLS. —I find that answer disturbing because last month Steve Friend, he testified before the Weaponization Committee. Mr. Friend, was a domestic terrorism investigator for you, and he was told by one of his superiors that January 6th was, I quote, “a higher priority than pursuing child pornography cases.” For those of you watching in America, understand today's FBI is more concerned about searching for and arresting Gram and Grandpa for entering the Capitol Building that day than pursuing the sick individuals in our society who prey on our children. Mr. Wray, your priorities are flawed.

Let's rehash what we know so far, all right. It is the largest investigation in FBI history, and you don't mention it in your testimony. Agents have been reassigned from child exploitation cases and so on.

So, now let's get into the money, Mr. Wray. How much taxpayer money has been spent on January 6th?

Mr. WRAY. I don't know that I have the figure off the top of my head but—

Mr. NEHLS. OK, fine. Mr. Wray, I have got an article here, December 22, 2022, two years after the events of January 6th, and it says the Justice Department has requested another \$34 million from Congress. First, you shouldn't get another dime. The FBI shouldn't get another dime for this political witch hunt against the greatest President in my lifetime, Donald J. Trump.

I want to turn my attention now to this fellow, this character, Mr. Ray Epps. We have all heard of them. We have heard of Mr. Ray Epps. He was number 16 on your FBI most wanted list. He was encouraging people the night prior and the day of to go into the Capitol, and Mr. Ray Epps can be seen at the first breach of Capitol grounds at approximately 12:50 p.m. Play the clip, please.

[Video played.]

Mr. NEHLS. There he is, breaching the line, going in at the first breach into the Capitol grounds and restricted area. Mr. Wray, you have arrested hundreds of people related to January 6th, and there have been people arrested for breaching Capitol grounds. Couy Griffin is an example and Raechel Genco is an example. Then we go to Mr. Brandon Strikta. Brandon was arrested for disorderly and destructive conduct, which included yelling, I quote, “go, go,

go,” as rioters tried to enter the Capitol. These three never went into the Capitol. They never assaulted anyone.

So, let’s be honest with each other. There is very little difference between the actions of Ray Epps and Brandon Strikta that day, but, yet, Strikta was arrested and Epps wasn’t. Epps also testified to the January 6th Committee he was back at his hotel when video evidence showed that he wasn’t. He lied. He was on the Capitol grounds, just as Brandon Strikta was. Epps even texted his nephew at 2:12 p.m. and said, I quote, “I was in the front with a few others, it was on the video; I also orchestrated it.”

Now, look into the camera, sir, when you answer my next question. Are you going to arrest Mr. Epps, yes or no?

Mr. WRAY. I am not going to engage here in a discussion about individual people who are or are not going to be prosecuted.

Mr. NEHLS. OK. Here we go. Can I get a commitment? You just watched the video. I am an old law dog. I understand a little bit about probable cause. He did very little, there was very little difference what he did and Mr. Strikta. You can see him. He is encouraging. I almost think he is inciting a riot. He is encouraging people the night prior to go into the Capitol, the day of, go into the Capitol, and he was at the first breach and he breached the restricted area. Everybody, a lot of people, getting arrested for not going into the Capitol, but they are in the restricted area; but, yet, Ray Epps, who many people feel fed, fed, fed, right, and there is a lot of cloud over this.

So, my point is this, you arrested a lot of folks for unlawful activity. You just saw the video. I will tell you, if you don’t arrest Mr. Epps, there is a reason behind it. I believe you know what it is, and it appears to me you are protecting this guy.

I strongly recommend you get your house back in order. With that, I yield back.

Mr. WRAY. Mr. Chair, if I might briefly.

Chair JORDAN. The gentleman may respond, and then we have got a couple of point of orders. Go ahead, Mr. Wray.

Mr. WRAY. It has never been appropriate for an FBI Director in Congressional testimony to be weighing in on who is or isn’t going to be arrested and who is or isn’t going to get charged, which is a prosecutor’s decision. If you are suggesting that the violence at the Capitol on January 6th was part of some operation orchestrated by FBI sources or FBI agents, the answer is, no, it was not. To suggest otherwise is a disservice to our hardworking, dedicated law enforcement professionals.

Mr. NEHLS. Can I respond to that now that—the point is he was number 16 on your list. He was 16 on your list, and you never arrested him. Hundreds of Americans were arrested. Shame on you.

Chair JORDAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Florida for unanimous consent.

Mr. GAETZ. Mr. Chair, I seek unanimous consent for all Members have five legislative days to submit any additional materials, as well as any questions for the record for the Director, and I would hope that those questions for the record we would submit would receive more timely responses than some of our letters have. I would further seek unanimous consent that the WhatsApp message from

Hunter Biden I used earlier in the hearing be submitted for the record.

Chair JORDAN. Without objection.

[The information referred to follows:]

Chair JORDAN. The gentleman from Georgia is recognized.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair. I have a unanimous consent request that an article from the *Daily Mail* dated today with the headline "January 6th Protestor Ray Epps reveals he is forced to live in an RV in hiding after death threats over FBI informant conspiracy. Epps confirmed he has never worked for them, as he slams right-wing theorists using him as a scapegoat" I would like to offer this into the record.

Chair JORDAN. Without objection.

[The information referred to follows:]

Chair JORDAN. The Chair recognizes the gentleman from Texas.

Mr. MORAN. Thank you, Mr. Chair. Director Wray, thank you for your time today. You said earlier in response to Representative Issa's questions that the job of the FBI is to: (1) Undertake criminal investigations and (2) protect the U.S. from national security threats. Would you agree with me that, in doing those activities, the FBI has to do a lot of that in what are effectively confidential conditions; is that correct?

Mr. WRAY. Yes.

Mr. MORAN. When you are undertaking those activities and those confidential conditions, you are going to require tools that have been appropriated by Congress in the past, tools that say to you we are going to trust you to use those tools correctly and, in return, the FBI then is expected to not abuse the trust of those tools that are provided to the FBI to undertake its activities. Is that a correct statement, as well?

Mr. WRAY. Yes, I would agree with that.

Mr. MORAN. So, trust is a very important thing, both the giving of trust when you give those tools and then making sure that you do not abuse that trust once those tools have been given to you.

Were you aware that, according to a recent poll by Harvard CAPS/Harris, 70 percent of respondents in the United States said that they were either very or somewhat concerned about interference by the FBI and other intelligence agencies in the elections. Were you aware of that?

Mr. WRAY. I am not aware of the particular survey, poll, study, or whatever it is.

Mr. MORAN. In that same poll, 71 percent of Americans, which is certainly a bipartisan group, agreed that internal FBI changes post-2016 had not done enough to prevent further interference in elections and that, quote, "wide-ranging reform was still required." Again, you are not aware of those numbers?

Mr. WRAY. No.

Mr. MORAN. Does any of that shock you?

Mr. WRAY. I don't spend a lot of time as the FBI Director worrying about pools. What I do look at is whether people want to work with us, whether people want to work for us. On both of those metrics, we are actually going up quite significantly. In fact, in your home State of Texas, we have got a 93-percent increase in the

number of Texans applying to work for the FBI since I have been in this job.

Mr. MORAN. Well—

Mr. WRAY. In fact, it is the highest, Texas has more people applying to work for the FBI than any other State in the Union.

Mr. MORAN. Even if you do not watch polls, certainly you appreciate the fact that you want the trust of the American people. Would you agree with that?

Mr. WRAY. Absolutely.

Mr. MORAN. All right. Does it bother you that so many Americans do not trust the FBI presently?

Mr. WRAY. Well, again, I don't spend a lot of time worrying about polls. I do care about what I hear from the American people otherwise.

Mr. MORAN. I am asking about the trust.

Mr. WRAY. It bothers me any time any American has lost trust in the FBI. Of course, that concerns me.

Mr. MORAN. Earlier, you were talking to Representative Hageman, and you said where we can take action where possible to remove them from the chain of command, and then you got, you ended your time, you got cutoff because we had to get to the votes. You were going to say something further on that. Do you have any plans to remove anybody from the chain of command or go through a process to determine who should be removed from the chain of command?

Mr. WRAY. Well, I have already removed any number of people at different stages of my tenure from the chain of command. I have also referred people to our disciplinary arm, which has resulted, in some cases, in termination.

Mr. MORAN. Do you have any plans to do any more of that?

Mr. WRAY. If somebody has violated a rule, absolutely.

Mr. MORAN. When we talk about a good faith basis for trust of Americans, both Republicans and Democrats, does it bother you that these legal queries have continued, even with efforts of the FBI to try to reduce them, that we now have somewhere between a couple hundred thousand and at least a million of illegal FISA queries?

Mr. WRAY. Well, there are two things going on there. First, I think your numbers of what are actually illegal are off. Second, more importantly to me, all the changes that we have put in place to address compliance failures that I consider unacceptable have pointed to the effectiveness of the reforms that we have put in place. So, I am talking about—

Mr. MORAN. What number of illegal FISA queries would you put on the table as those that you know of?

Mr. WRAY. Well, here is what I can tell you: The most recent FISA Court opinion found, I think it is a, like, 98-percent compliance rate. The most recent DOJ audit found a 99- or 98-percent compliance rate.

Mr. MORAN. Is that acceptable to you? Is that one percent or two percent—

Mr. WRAY. No, we strive for 100 percent. All of those things, all of those things, but it is the FISC, the FISA Court, whether it is ODNI, the Office of the Director of National Intelligence, whether

it is DOJ, whether it is our own Office of Internal Audit, which I created by the way, all four of those things have shown that the reforms that we have been putting in place have already had dramatic positive impact. Am I satisfied with that? No.

Mr. MORAN. Has anybody been fired or removed as a result of their inappropriate use of FISA?

Mr. WRAY. Well, the last time somebody has had truly abusive behavior with respect to FISA goes back a way, but those people have been gone from the organization.

Mr. MORAN. Are you making a distinction between truly abusive and just abusive? What is the distinction there?

Mr. WRAY. Well, the distinction I would draw is between intentional or reckless conduct versus somebody who makes a good faith mistake. To me, a good faith mistake is still a compliance violation and still somebody needs to be counseled, trained, coached, and taught to do it right, but that is different from somebody who intentionally or recklessly breaks the rules.

Mr. MORAN. Director Wray, I am going to go back where I started, and that is with trust. We trust you. When we give the FBI tools, we trust that those tools would not be abused. In the last six years, certainly we have seen a number of abuses of the tools given, and I think, as a result of that, you are going to see a curtailment of some of the tools that are provided to the FBI. That is not a choice that we are in a position that we want to make but we have to make as a result of the abuses of the trust of the American people. Thank you for your time today.

Chair JORDAN. The gentleman yields back. Director, I have just a couple of extra questions, but, in fairness to the minority, I will recognize Mr. Johnson. So, he will go for a few questions, I will have a few, and then we appreciate you being here for this length of time, and then we will be able to adjourn the hearing.

The gentleman from Georgia is recognized.

Mr. JOHNSON of Georgia. Thank you. Director Wray, you have acquitted yourself admirably today under severe and constant fire. So, your day is about to come to a close with your head still held high and your soul, I am sure, further empowered to continue doing the right thing on behalf of the American people through your service as Director of the FBI, and I thank you for that.

You were asked multiple times about the *Missouri v. Biden* injunction. This is a preliminary injunction issued on a holiday, July 4th, Independence Day. It makes various allegations that, thus far, have been totally unproven but relied on as true here by Members of this Committee. What is your response to the allegations that the FBI has been engaged in censoring social media platforms or anyone else?

Mr. WRAY. Well, while I respect the Court's decision, I think there are a number of factual findings that we don't agree with and, certainly, the FBI is not engaged, in my view, in censorship or content suppression.

Mr. JOHNSON of Georgia. My Republican colleagues also seem to think that the FBI is being weaponized against the American people. What is your response to that allegation? That will be my final question for today to you.

Mr. WRAY. The FBI that I see every day and, again, when I see the FBI, nobody gets to see it the way I do it. I have been all to 56 of our field offices at least twice. I have spoken with partners; law enforcement partners in all 50 States multiple times; with Federal judges all over the country; with business leaders; community leaders; prosecutors; victims, more importantly, and their families. The FBI that I see every day is working their tails off to protect the American people from a really staggering array of threats. They are an inspiring, incredibly dedicated group of people.

The FBI that I see is best captured by the Chicago agent who had his arm shot up by an AR-15 chasing a fugitive and retrained himself left-handed and then re-qualified for SWAT left-handed, by the Atlanta agent who unexpectedly came across a fugitive, a gang fugitive, chased the guy into a car, got caught in the car drove. The guy drove off with the Atlanta agent stuck in the door and the guy headed out onto the freeway. The poor agent broke his pelvis and Lord knows how many other things, and, yet he still managed to apprehend the subject. The FBI that I see is captured by the Portland agent who, out for a run, comes across a mentally ill woman down on the train tracks and climbs down in the train tracks to try to wrestle her out of the way of the oncoming train while she is trying to bite him and everything else, and gets her to safety; or the bomb tech who comes across a booby trap, blows up on him, and the next business day he is back at work. That is the FBI that I see. I can give you countless examples. That is the real FBI.

Mr. JOHNSON of Georgia. Well, I thank you again for your service, and I appreciate the fact that you have allowed somewhat loquaciousness to emerge during this hearing with that final response. Thank you.

Chair JORDAN. I think the gentleman yields back. Director, we appreciate those, the whole country does. In fact, I said this in an interview this morning, a TV interview this morning, two of those agents who served for years in the FBI and did great work now work for the Committee on the Republican staff. We appreciate the work they did then, the work they are doing now. They share the same concerns raised by Members of the Committee. That is why they came to work for us.

So, I just got a couple of other questions. Any of the FBI personnel who did improper queries of the 702 data base, have any of those individuals lost their clearance?

Mr. WRAY. Well, it depends on how far back you want to go in time. We have had individuals, if you go back to, say, like 2018 was the last I remember we had somebody who engaged in intentional conduct, and the person, for example, is gone. I think there were security clearances revoked for people back in that time period, but I don't know that we have had somebody who has engaged in intentional or reckless conduct more recently than that.

We have, as you may know, Mr. Chair, and this actually didn't come up today, but it is important for people to know, we recently put in place a whole new set of accountability policies specifically focused on 702. They go through cascading consequences, and so that is an important—

Chair JORDAN. It has been reported that donors of a Congressional Member of Congress were illegally searched. Has that individual lost their clearance?

Mr. WRAY. I am not sure I am familiar with the specific example.

Chair JORDAN. Well, it has been widely reported that the donor base for a Member of Congress has been searched, and I just wonder if the person responsible for that has had any consequences, like a loss of a security clearance.

Mr. WRAY. I don't know the answer—

Chair JORDAN. OK. Is the FBI assisting the Secret Service in the investigation as to how cocaine wound up at the White House?

Mr. WRAY. Yes. I want to be a little bit careful about what I can say here because the Secret Service is leading the investigation. As is standard in an investigation where white powder is found, the FBI's lab personnel did an evaluation to determine whether or not there was a biological—

Chair JORDAN. Is that the only assistance?

Mr. WRAY. That is the only assistance we have done so far. We have offered the full range of our assistance to the Secret Service if they want to use us for that purpose, but, beyond that, I will refer you to the Secret Service.

Chair JORDAN. That offer has been denied; is that what you're saying?

Mr. WRAY. No, I didn't say that. We have offered it to the Secret Service, but, beyond that, I would refer to them.

Chair JORDAN. In October 2020, when Facebook asked the FBI is the Biden laptop story Russian disinformation, the FBI's answer was no comment. Who gave that answer?

Mr. JOHNSON of Georgia. Before you answer, sir, if I might just interject the fact that we agreed that I would have two questions and you would have two questions.

Chair JORDAN. I think I said a couple of questions.

Mr. JOHNSON of Georgia. Yes, and you have asked a couple—

Chair JORDAN. In fact, I don't think, I know I said a couple of questions. I gave you five minutes. Do you want another question?

Mr. JOHNSON of Georgia. No, I want us to conclude this hearing and—

Chair JORDAN. We will be done in two minutes and 10 seconds.

Mr. JOHNSON of Georgia. Thank you.

Chair JORDAN. We appreciate that, and we obviously appreciate the Director being here. In October 2020, when Facebook asked the FBI is the Biden laptop story Russian disinformation, the FBI's response was no comment. Do you know who gave that response?

Mr. WRAY. I do not.

Chair JORDAN. The court knew and the Court said it was Laura Dehmlow. Do you know who Laura Dehmlow is?

Mr. WRAY. I do know who Laura Dehmlow is.

Chair JORDAN. What does she do?

Mr. WRAY. Laura Dehmlow is an agent in our counterintelligence division, and she currently works with the Foreign Influence Task Force.

Chair JORDAN. Doesn't she head the Foreign Influence Task Force?

Mr. WRAY. I think she leads it, yes.

Chair JORDAN. She leads the Foreign Influence Task Force. Did you tell her to give that comment?

Mr. WRAY. Did I what now?

Chair JORDAN. Did you instruct anyone, when Facebook asked, did you instruct them to give the no comment?

Mr. WRAY. I don't remember giving any instruction along those lines, although I should say I am not sure whether Laura Dehmflow was in that role at the timeframe that you described, but I—

Chair JORDAN. Again, the Court in Louisiana said she was and said when Facebook asked her specifically, she said no comment. This is the Foreign Influence Task Force leader, the Foreign Influence Task Force that you created as Director of the FBI, correct?

Mr. WRAY. I am sorry—

Chair JORDAN. All that is correct. You created the Foreign Influence Task—

Mr. WRAY. I did create the Foreign Influence Task Force.

Chair JORDAN. Yes, you put that together and she heads it up. OK. When did you become, how did you become aware of the Catholic memo, the one in Richmond that we have talked about a couple of times today?

Mr. WRAY. As I recall, in one of my regular morning meetings, I learned that there was this product and that was the same day that I ordered that it be removed.

Chair JORDAN. Was that before or after it was already in the press?

Mr. WRAY. That I can't tell you. My guess is it was probably around the same time, but I don't know.

Chair JORDAN. Did you learn about it—did the people who brought it up to you, did they learn about it from the press, or was it some internal communication?

Mr. WRAY. I can't speak to how they learned about it. I just know that I was told about it by them, and we had a conversation about it immediately, taking steps that we then did—

Chair JORDAN. We appreciate that. OK. Director, we appreciate your time today. I know it has been a long day. We already had the unanimous consent for Mr. Gaetz, so the Committee is adjourned.

[Whereupon, at 3:47 p.m., the Committee was adjourned.]

All materials submitted for the record by Members of the Committee on the Judiciary can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116192>.